B.1.

BADGER DISPOSAL
Badger Disposal of WI, Inc.

November 20, 2009

Ms. Sandra J. Miller, CHMM
Waste Management Specialist
Wisconsin Department of Natural Resources
110 S. Neenah Avenue
Sturgeon Bay, WI 54235

RE: Badger Disposal of WI., Inc., 5611 West Hemlock Street, Milwaukee, WI 53223
EPA ID# WID988580056
Hazardous Waste Container Storage License for Lab Pack Building – Class 2 Modification

Dear Ms. Miller,

This letter is to request a Class 2 modification to our Hazardous Waste Storage License. This modification is being submitted as per Condition #41, paragraph (c) of our Final Determination to Conditionally Approve a Feasibility and Plan of Operation Report for a Hazardous Waste Treatment and Storage Facility. Enclosed is a check in the amount of $1,600 for review of this modification. This request replaces a Class 1 modification request that Badger Disposal sent to the WIDNR on August 21, 2009.

On September 17, 2009 Badger Disposal received a letter from the WIDNR which explained that the department believes that the changes proposed in our Class 1 modification request warrant a Class 2 modification. The August 21 letter submitted by Badger Disposal included a request for additional storage in a newly renovated Lab Pack Building, a change to our shipment screening from our Waste Analysis Plan, and a change in General Condition #35 from the Final Determination received June 29, 2007, which requires that all containers of hazardous waste liquids and lab packs be placed on containment pallets. Included were updated drawings, a revised SPCC Plan, updated containment calculations and closure costs as well as FPOR text revisions.

The following is additional information necessary for this Class 2 modification request:

1. Appendix E of our Waste Analysis Plan contains the Compatibility Testing Procedure that will be completed on bulked solid materials. A copy is enclosed with this submittal.

2. To provide secondary containment during loading and unloading of hazardous waste containers at Dock #4, 4- inch drive over containment berms and curbing have been installed on a 12' x 20'6" section of the outside concrete pad. Drawing # 05490-D2 (revised 11/5/09) shows this containment area. Concrete joints will be caulked and the entire containment area will be sealed with an impervious coating. Containment in this area is approximately 300 gallons, which is sufficient for the largest container that will be off loaded. Any accumulated liquids in the containment area will be tested only if there is evidence of a spill or release. Trucks will back up to the drive over berm and hazardous waste containers will be off loaded within the containment area. Loading and unloading of hazardous waste containers will occur at Dock #4 until Dock #5 is completed. Section 7.4 – 2009 Lab Pack Building Description of our FPOR has been revised to include this information.

3. Included with this submittal is drawing #A-3.3 which shows the traffic pattern of hazardous waste containers from Dock #5 to the lab pack storage area. 4- inch high concrete containment berms will be installed at the doorways to minimize the risk of any accidental spillage leaving the confines of the loading dock enclosure. The concrete floor in the enclosure will be sealed with an impervious coating. Available spill control equipment will include absorbent materials, brooms and shovels. Fire-rated doors, a foam fire suppression system and fire extinguishers will be installed in the enclosure as well as explosion-proof lighting and alarms. Section 7-4 -2009 Lab Pack Building Description of our FPOR has been revised to include this information.

4. Compatibility of a waste material is determined based upon the information provided on the profile and incoming manifest. Examples of incompatibles are calcium hypochlorite and sodium nitrate which are oxidizers, calcium carbide which is water reactive, raney nickel which is spontaneously combustible and benzoyl peroxide which is an organic peroxide. Any of these wastes or any waste determined to be incompatible will be placed on containment pallets and segregated as part of the facility standard operating procedure. Section 7-12-Receiving Procedure of our FPOR has been revised to include this information.

5. Containment calculations for the 2009 Lab Pack Building have been revised to include a written description for the calculations from building area Section A. A copy is included with this submittal.

The following are revised/new drawings from Section 7 of the Feasibility and Plan of Operation Report:

- #05490-D2 Drum Storage Plan-Revision 3, dated 11/5/09
- A-0.1 Title Sheet-Revision 1, dated October 28, 2009
- A-3.3 Traffic Flow Plan – New
- #05490-SITE-(SPCC Plan) Revision 3,dated 11/5/09
- #05490-G2-(SPCC Plan) Revision 3, dated 11/5/09

These drawings were revised by Spectrum Engineering and Brian Cooley & Associates, LLC.

As per NR 670.042 (2) (b) , Badger Disposal will send a notice of this modification request to all persons on the facility mailing list maintained by the WIDNR and to the appropriate units of the state and local government specified in s. NR 670.410(3)(a)9. This notice will be mailed within 7 days before or after the date of submission of this modification request. Badger Disposal will provide the department evidence of the mailing. A public notice was printed in the Milwaukee Journal/Sentinel on November 18, 2009. A copy of the notice is enclosed with this submittal.

Badger Disposal will hold a public hearing at the Milwaukee Public Library, 6431 N. 76th Street, Milwaukee WI 53223 on Wednesday December 16th at 2:00 pm.

Sincerely,
Badger Disposal of WI., Inc.

Henry J. Krier
President

cc: Margaret M. Guerriero, Director, Land and Chemicals Division, U.S. EPA Region 5
John Schwabe, CHMM, PS, Waste Mgmt. Specialist SE Region-Waukesha Ctr. WIDNR (letter)

FEASIBILITY PLAN OF OPERATION REPORT REVISIONS AND ADDITIONS

Table of Contents:
Replacement page iii .

Section 7 – Current Facility Operations
Table of Contents – Replace
Replacement pages 7-4, through 7-17

Section 7 – Attachment B, Current Facility Operation Drawings – replace the two sheets with drawing names and numbers

Drawing: #05490-D2 Drum Storage Plan – Revised (replace)

Section 7 - Attachment B, Drawings for the 2009 Lab Pack Building:

Drawings: A-0.1 Title Sheet – Revised (replace)
A-3.3 Traffic Flow Plan - New

Appendix D, Waste Analysis Plan: Appendix E – Compatibility, Particle Suspension, Thermal Stability Test

Appendix H – Preparedness and Prevention Plan, Appendix A – Containment Area Calculations: Revised page 7 (replace)

Appendix H – Preparedness and Prevention Plan, Appendix C, SPCC PLAN. Revised table of contents and pages 1-23. (replace)

Revised drawings #05490-SITE and #05490-G2 (replace)

Notice is hereby given, pursuant to s. NR670.042 (2)(b), Wisconsin Administrative Code, that Badger Disposal of WI., Inc. has applied to the Wisconsin Department of Natural Resources for a Class 2 modification to its Hazardous Waste Storage License. This modification requests Department approval for lab pack operations in an existing building recently acquired and renovated, approval of changes to the shipment screening procedures described in the facility waste analysis plan and approval of changes to secondary containment methods for containers. The public is invited to submit written comments concerning this modification within 45 days from the date of publication of this notice. Comments shall be addressed to Sandy Miller c/o Wisconsin Department of Natural Resources, 110 S. Neenah Avenue, Sturgeon Bay, WI 54235, e-mail address: sandy.miller@wisconsin.gov or by telephone 920-746-2884. Badger Disposal's contact person is Kandylee Schmit telephone: 414-760-9175 ext. 221. A copy of the modification request and supporting documents can be viewed and copied at the Milwaukee Public Library, 6431 N. 76th Street, Milwaukee WI 53223. Badger Disposal will hold a public hearing on December 16, 2009 at 1:00p.m at the Milwaukee Public Library, 6431 N. 76th Street, Milwaukee WI 53223. Badger Disposal's compliance history during the life of the license being modified is available from Sandy Miller c/o Wisconsin Department of Natural Resources.

2/14/08 WCH

BADGER DISPOSAL
Badger Disposal of WI, Inc.

February 1, 2008

Harriet Croke
USEPA Region 5
DW-8J
77 West Jackson Blvd.
Chicago Il, 60604

Dear Ms. Croke,

This letter is to notify you that on December 20, 2007 the Wisconsin Department of Natural Resources approved a modification to the hazardous waste container storage license to allow Badger Disposal of WI., Inc. located at 5611 W. Hemlock Street, Milwaukee WI, to store an additional 492 55-gallon containers (27,060 gallons) of non-ignitable and non-reactive waste in an addition to its existing warehouse.

This notice is being provided to you as required by NR670.042(1)(a)2, Wis. Adm. Code.

In addition please note that additions and revisions to our FPOR that was submitted to the USEPA on September 14, 2006 are included with this letter. Please replace the existing pages and drawings from the FPOR with these.

If you have any questions please contact me at 414-760-9176

Sincerely,
Badger Disposal of WI., Inc.

Kandylee Schmit
Compliance Officer

5611 W. Hemlock St. Milwaukee, WI 53223
866-271-0961 • 414-760-9175 • Fax: 414-760-9189 • www.badgerdisposal.com

FEASIBILITY PLAN OF OPERATION REPORT REVISIONS AND ADDITIONS

Table of Contents:
Replacement pages iii, iv and v

Section 7 Current Facility Operations:
Replacement pages 7-1 through 7-42

Section 7 Attachment A Contingency Plan
Revised drawing #5490-EV1 Evacuation Plan

Section 7, Attachment B, Current Facility Operation Drawings:

Revised Drawings: **#054901-OV1 Current Operations**
#54901-D1 Drum Storage Plan
#54901-T1 – Traffic Plan
#54901-SY1 Security Plan
#54901-EE1 Emergency Equipment Layout

Section 7, Attachment B, Current Facility Operation Drawings:

New Drawings:	**A-0.1**	**Title Sheet**
	MLW-130	**Survey**
	A-1.0	**Site Plan**
	A-1.1	**Site Plan**
	S-1.0	**Foundation Plan**
	S-1.1	**Foundation Details**
	S-1.2	**Foundation Details**
	S-1.3	**Foundation Details**
	S-2.0	**Roof Framing Plan**
	S-2.1	**Roof Framing Details**
	S-2.2	**Door Opening Details**
	A-3.0	**Floor Plan**
	A-4.0	**Elevations**
	FP-1	**Fire Sprinkler Plan**
	H-1	**HVAC Plan**

Section 7, New Attachment D, Closure Cost Estimate–Current Operations TABLE 1

Appendix D, Waste Analysis Plan

Replacement Table of Contents, replacement pages 38, 39, 40 - 67

Appendix H - Preparedness and Prevention Plan:

Revised page 13

Appendix A of Preparedness and Prevention Plan, Containment Area Calculations:

Revised Pages 1, 6a, 6b, 6c, 7a and 7b

Appendix H – Preparedness and Prevention Plan, Appendix C, SPCC PLAN

Revised drawing #05490-SITE Site Plan
Revised drawing #05490-G1 – Facility Diagram

Volume II, Appendix S:

New P.E. Certification

BADGER DISPOSAL
Badger Disposal of WI, Inc.

August 23, 2007

Ms. Harriet Croke
US EPA Region 5
77 West Jackson Boulevard
DW-8J
Chicago, IL 60604

Dear Ms. Croke,

Enclosed please find an updated Part A form 8700-23 for the Feasibility and Plan of Operation Report for Badger Disposal of WI., Inc. The FPOR was submitted to you on September 14, 2006. Please replace the existing pages with these. This form is located in Appendix A.

If you have any questions please contact me at 414-760-9175.

Sincerely,
Badger Disposal of WI., Inc.

Kandylee Schmit
Compliance Officer

5611 W. Hemlock St. Milwaukee, WI 53223
866-271-0961 • 414-760-9175 • Fax: 414-760-9189 • www.badgerdisposal.com

OMB#: 2050-0034 Expires 11/30/2005

SEND COMPLETED FORM TO: The Appropriate State or EPA Regional Office.	United States Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION FORM**	

1. Reason for Submittal (See instructions on page 14.)

MARK ALL BOX(ES) THAT APPLY

Reason for Submittal:

- ☐ To provide Initial Notification of Regulated Waste Activity (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities)
- ☐ To provide Subsequent Notification of Regulated Waste Activity (to update site identification information)
- ☐ As a component of a First RCRA Hazardous Waste Part A Permit Application
- ☒ As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # 3)
- ☐ As a component of the Hazardous Waste Report

2. Site EPA ID Number (page 15)

EPA ID Number: WID988580056

3. Site Name (page 15)

Name: Badger Disposal of WI., Inc.

4. Site Location Information (page 15)

Street Address: 5611 West Hemlock Street

City, Town, or Village: Milwaukee | State: WI

County Name: Milwaukee | Zip Code: 53223

5. Site Land Type (page 15)

Site Land Type: ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other

6. North American Industry Classification System (NAICS) Code(s) for the Site (page 15)

A. 2621112 | B. | C. | D.

7. Site Mailing Address (page 16)

Street or P. O. Box: 5611 West Hemlock Street

City, Town, or Village: Milwaukee

State: Wisconsin

Country: USA | Zip Code: 53223

8. Site Contact Person (page 16)

First Name: Henry | MI: J | Last Name: Krier

Phone Number: 414-750-9175 | Extension: | Email address:

9. Operator and Legal Owner of the Site (pages 16 and 17)

A. Name of Site's Operator: Henry J. Krier | Date Became Operator (mm/dd/yyyy): 1/31/03

Operator Type: ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other

B. Name of Site's Legal Owner: Badger Investment Realty, LLC | Date Became Owner (mm/dd/yyyy): 1/31/03

Owner Type: ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other

EPA ID NO: WID988588056 OMB#: 2050-0034 Expires 11/30/2005

9. Legal Owner (Continued) Address	Street or P. O. Box: 5611 West Hemlock Street	
	City, Town, or Village: Milwaukee	
	State: WI	
	Country: USA	Zip Code: 53223

10. Type of Regulated Waste Activity
Mark "Yes" or "No" for all activities; complete any additional boxes as instructed. (See instructions on pages 18 to 21.)

A. Hazardous Waste Activities
Complete all parts for 1 through 6.

Y ☒ N ☐ **1. Generator of Hazardous Waste**
If "Yes", choose only one of the following - a, b, or c.

☒ a. LQG: Greater than 1,000 kg/mo (2,200 lbs./mo.) of non-acute hazardous waste; or

☐ b. SQG: 100 to 1,000 kg/mo (220 - 2,200 lbs./mo.) of non-acute hazardous waste; or

☐ c. CESQG: Less than 100 kg/mo (220 lbs./mo.) of non-acute hazardous waste

In addition, indicate other generator activities.

Y ☐ N ☒ d. United States Importer of Hazardous Waste

Y ☐ N ☒ e. Mixed Waste (hazardous and radioactive) Generator

Y ☒ N ☐ **2. Transporter of Hazardous Waste**

Y ☒ N ☐ **3. Treater, Storer, or Disposer of Hazardous Waste (at your site)** Note: A hazardous waste permit is required for this activity.

Y ☒ N ☐ **4. Recycler of Hazardous Waste (at your site)**

Y ☐ N ☐ **5. Exempt Boiler and/or Industrial Furnace**
If "Yes", mark each that applies.
☐ a. Small Quantity On-site Burner Exemption
☐ b. Smelting, Melting, and Refining Furnace Exemption

Y ☐ N ☒ **6. Underground Injection Control**

B. Universal Waste Activities

Y ☐ N ☐ **1. Large Quantity Handler of Universal Waste (accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste generated and/or accumulated at your site. If "Yes", mark all boxes that apply:**

	Generate	Accumulate
a. Batteries	☐	☒
b. Pesticides	☐	☒
c. Thermostats	☐	☒
d. Lamps	☐	☒
e. Other (specify) _____	☐	☐
f. Other (specify) _____	☐	☐
g. Other (specify) _____	☐	☐

Y ☒ N ☐ **2. Destination Facility for Universal Waste**
Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities
Mark all boxes that apply.

Y ☐ N ☒ **1. Used Oil Transporter**
If "Yes", mark each that applies.
☐ a. Transporter
☐ b. Transfer Facility

Y ☐ N ☒ **2. Used Oil Processor and/or Re-refiner**
If "Yes", mark each that applies.
☐ a. Processor
☐ b. Re-refiner

Y ☐ N ☒ **3. Off-Specification Used Oil Burner**

Y ☐ N ☒ **4. Used Oil Fuel Marketer**
If "Yes", mark each that applies.
☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
☐ b. Marketer Who First Claims the Used Oil Meets the Specifications

11. Description of Hazardous Wastes (See instructions on page 22.)

A. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001	D002	D003	D004	D005	D006	D007
D008	D009	D010	D011	D012	D013	D014
D015	D016	D017	D018	D019	D020	D021

B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed for waste codes.

12. Comments (See instructions on page 22.)

See attached for additional waste codes

13. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
For the RCRA Hazardous Waste Part A Permit Application, all operator(s) and owner(s) must sign (see 40 CFR 270.10 (b) and 270.11). **(See instructions on page 22.)**

Signature of operator, owner, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Henry J. Krier, President	8/21/07

Additional Waste Codes:

D022 D023 D024 D025 D026 D027 D028 D029

D030 D031 D032 D033 D034 D035 D036 D037

D038 D039 D040 D041 D042 F001 F002 F003

F004 F005 F006 F007 F008 F009 F010 F011

F012 F019 F020 F021 F022 F023 F024 F025

F026 F027 F028 F032 F034 F035 F037 F038

F039 K001 K002 K003 K004 K005 K006 K007

K008 K009 K010 K011 K013 K014 K015 K016

K017 K018 K019 K020 K021 K022 K023 K024

K025 K026 K027 K028 K029 K030 K031 K032

K033 K034 K035 K036 K037 K038 K039 K040

K041 K042 K043 K044 K045 K046 K047 K048

K049 K050 K061 K062 K064 K065 K066 K069

K071 K073 K083 K084 K085 K086 K087 K088

K090 K091 K093 K094 K095 K096 K097 K098

K099 K100 K101 K102 K103 K104 K105 K106

K107 K108 K109 K110 K111 K112 K113 K114

K115 K116 K117 K118 K123 K124 K125 K126

K131 K132 K136 K141 K142 K143 K144 K145

K147 K148 K149 K150 K151 K156 K157 K158

K159 K161 K174 K175 K169 K170 K171 K172

Additional Waste Codes Cont.

P001 P002 P003 P004 P005 P006 P007 P008

P009 P010 P011 P012 P013 P014 P015 P016

P017 P018 P020 P021 P022 P023 P024 P026

P027 P028 P029 P030 P031 P033 P034 P036

P037 P038 P039 P040 P041 P042 P043 P044

P045 P046 P047 P048 P049 P050 P051 P054

P056 P057 P058 P059 P060 P062 P063 P064

P065 P066 P067 P068 P069 P070 P071 P072

P073 P074 P075 P076 P077 P078 P081 P082

P084 P085 P087 P088 P089 P092 P093 P094

P095 P096 P097 P098 P099 P101 P102 P103

P104 P105 P106 P107 P108 P109 P110 P111

P112 P113 P114 P115 P116 P118 P119 P120

P121 P122 P123 P127 P128 P185 P188 P189

P190 P191 P192 P194 P196 P197 P198 P199

P201 P202 P203 P204 P205 U001 U002 U003

U004 U005 U006 U007 U008 U009 U010 U011

U012 U014 U015 U016 U017 U018 U019 U020

U021 U022 U023 U024 U025 U026 U027 U028

U029 U030 U031 U032 U033 U034 U035 U036

U037 U038 U039 U041 U042 U043 U044 U045

U046 U047 U048 U049 U050 U051 U052 U053

Additional Waste Codes Cont.

U055 U056 U057 U058 U059 U060 U061 U062

U063 U064 U066 U067 U068 U069 U070 U071

U072 U073U074 U075 U076 U077 U078 U079

U080 U081 U082 U083 U084 U085 U086 U087

U088 U089 U090 U091 U092 U093 U094 U095

U096 U097 U098 U099 U100 U101 U102 U103

U105 U106 U107 U108 U109 U110 U111 U112

U113 U114 U115 U116 U117 U118 U119 U120

U121 U122 U123 U124 U125 U126 U127 U128

U129 U130 U131 U132 U133 U134 U135 U136

U137 U138 U139 U140 U141 U142 U143 U144

U145 U146 U147 U148 U149 U150 U151 U152

U153 U154 U155 U156 U157 U158 U159 U160

U161 U162 U163 U164 U165 U166 U167 U168

U169 U170 U171 U172 U173 U174 U176 U177

U178 U179 U180 U181 U182 U183 U184 U185

U186 U187 U188 U189 U190 U191 U192 U193

U194 U196 U197 U200 U201 U202 U203 U204

U205 U206 U207 U208 U209 U210 U211 U212

U213 U214 U215 U216 U217 U218 U219 U220

U221 U222 U223 U225 U226 U227 U228 U230

U231 U232 U234 U235 U236 U237 U238 U239

Waste Codes Cont.

U240 U242 U243 U244 U246 U247 U248 U249

U271 U278 U279 U280 U328 U353 U359 U364

U367 U372 U373 U387 U389 U394 U395 U404

U409

EPA ID NO: WID 918 158 101 561

OMB #: 2050-0034 Expires 11/30/2005

United States Environmental Protection Agency

HAZARDOUS WASTE PERMIT INFORMATION FORM

1. Facility Permit Contact (See instructions on page 23)	First Name: Henry	MI: J	Last Name: KRIER	
	Phone Number: 414-760-9175		Phone Number Extension: 224	
2. Facility Permit Contact Mailing Address (See instructions on page 23)	Street or P.O. Box: 5611 West Hemlock Street			
	City, Town, or Village: MILWAUKEE			
	State: WI			
	Country: USA		Zip Code: 53223	
3. Operator Mailing Address and Telephone Number (See instructions on page 23)	Street or P.O. Box: 5611 West Hemlock Street			
	City, Town, or Village: MILWAUKEE			
	State: WI			
	Country: USA	Zip Code: 53223	Phone Number 414-760-9175	
4. Legal Owner Mailing Address and lephone Number (See instructions on page 23)	Street or P.O. Box: 5611 West Hemlock STREET			
	City, Town, or Village: MILWAUKEE			
	State: WI			
	Country: USA	Zip Code: 53223	Phone Number 414-760-9175	
5. Facility Existence Date (See instructions on page 24)	Facility Existence Date (mm/dd/yyyy): 04/19/1996			

6. Other Environmental Permits (See instructions on page 24)

A. Permit Type (Enter code)	B. Permit Number	C. Description
E	3415	Solid Wask Processing Facility
EE	3386	Solid Wask TRANSFER Facility
E	4391	Solid Wask Storage Facility < 50 tons/day

7. Nature of Business (Provide a brief description; see instructions on page 24)

TRANSportation, Laboratory Analysis, Storage, Consolidation, Packaging and fuel blending of hazardous and non-hazardous materials.

EPA ID NO: W I D 9 8 8 5 8 0 0 5 6

OMB #: 2050-0034 Expires 11/30/2005

10. Description of Hazardous Wastes (Continued. Use the Additional Sheet(s) as necessary; number pages as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter code)			D. PROCESSES (2) PROCESS DESCRIPTION (If a code is not entered in D(1))
1	D001	1,189,500	P	S01	S02	T04	
2	D002	10	P	S01	S02	T04	
3	D003	10	P	S01	S02		
4	D004	10	P	S01	S02	T04	
5	D005	10	P	S01	S02	T04	
6	D006	10	P	S01	S02	T04	
7	D007	10	P	S01	S02	T04	
8	D008	10	P	S01	S02	T04	
9	D009	10	P	S01	S02	T04	
10	D010	10	P	S01	S02	T04	
11	D011	10	P	S01	S02	T04	
12	D012	10	P	S01	S02	T04	
13	D013	10	P	S01	S02	T04	
14	D014	10	P	S01	S02	T04	
15	D015	10	P	S01	S02	T04	
16	D016	10	P	S01	S02	T04	
17	D017	10	P	S01	S02	T04	
18	D018	10	P	S01	S02	T04	
9	D019	10	P	S01	S02	T04	
20	D020	10	P	S01	S02	T04	
21	D021	10	P	S01	S02	T04	
22	D022	10	P	S01	S02	T04	
23	D023	10	P	S01	S02	T04	
24	D024	10	P	S01	S02	T04	
25	D025	10	P	S01	S02	T04	
26	D026	10	P	S01	S02	T04	
27	D027	10	P	S01	S02	T04	
28	D028	10	P	S01	S02	T04	
29	D029	10	P	S01	S02	T04	
30	D030	10	P	S01	S02	T04	
31	D031	10	P	S01	S02	T04	
32	D032	10	P	S01	S02	T04	
33	D033	10	P	S01	S02	T04	
34	D034	10	P	S01	S02	T04	
35	D035	10	P	S01	S02	T04	
36	D036	10	P	S01	S02	T04	
37	D037	10	P	S01	S02	T04	
38	D038	10	P	S01	S02	T04	
39	D039	10	P	S01	S02	T04	

Map (See instructions on pages 25 and 26)

Attach to this application a topographic map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in this map area. See instructions for precise requirements.

12. Facility Drawing (See instructions on page 26)

All existing facilities must include a scale drawing of the facility (see instructions for more detail).

13. Photographs (See instructions on page 26)

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

14. Comments (See instructions on page 26)

EPA ID NO: WID988580516

OMB #: 2050-0034 Expires 11/30/2005

escription of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
40	D040	10	P	S01 S02 T04	
41	D041	10	P	S01 S02 T04	
42	D042	10	P	S01 S02 T04	
43	D043	10	P	S01 S02 T04	
44	F001	1,189,500	P	S01 S02 T04	
45	F002	1,189,500	P	S01 S02 T04	
46	F003	1,189,500	P	S01 S02 T04	
47	F004	10	P	S01 S02 T04	
48	F005	1,189,500	P	S01 S02 T04	
49	F006	10	P	S01 S02 T04	
50	F007	10	P	S01 S02 T04	
51	F008	10	P	S01 S02 T04	
52	F009	10	P	S01 S02 T04	
53	F010	10	P	S01 S02 T04	
54	F011	10	P	S01 S02 T04	
55	F012	10	P	S01 S02 T04	
56	F019	10	P	S01 S02	
57	F020	10	P	S01 S02	
58	F021	10	P	S01 S02	
59	F022	10	P	S01 S02	
60	F023	10	P	S01 S02	
61	F024	10	P	S01 S02 T04	
62	F025	10	P	S01 S02 T04	
63	F026	10	P	S01 S02	
64	F027	10	P	S01 S02	
65	F028	10	P	S01 S02	
66	F032	10	P	S01 S02 T04	
67	F034	10	P	S01 S02 T04	
68	F035	10	P	S01 S02 T04	
69	F037	10	P	S01 S02 T04	
70	F038	10	P	S01 S02 T04	
71	F039	10	P	S01 S02 T04	
72	K001	10	P	S01 S02 T04	
73	K002	10	P	S01 S02 T04	
74	K003	10	P	S01 S02 T04	
75	K004	10	P	S01 S02 T04	
76	K005	10	P	S01 S02 T04	
77	K006	10	P	S01 S02 T04	
78	K007	10	P	S01 S02 T04	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
79	K008	10	P1	S01 S02 T04	
80	K009	10	P	S01 S02 T04	
81	K010	10	P	S01 S02 T04	
82	K011	10	P	S01 S02 T04	
83	K013	10	P	S01 S02 T04	
84	K014	10	P	S01 S02 T04	
85	K015	10	P	S01 S02 T04	
86	K016	10	P	S01 S02 T04	
87	K017	10	P	S01 S02 T04	
88	K018	10	P	S01 S02 T04	
89	K019	10	P	S01 S02 T04	
90	K020	10	P	S01 S02 T04	
91	K021	10	P	S01 S02 T04	
92	K022	10	P	S01 S02 T04	
93	K023	10	P	S01 S02 T04	
94	K024	10	P	S01 S02 T04	
95	K025	10	P	S01 S02 T04	
96	K026	10	P	S01 S02 T04	
97	K027	10	P	S01 S02 T04	
98	K028	10	P	S01 S02 T04	
99	K029	10	P	S01 S02 T04	
100	K030	10	P	S01 S02 T04	
101	K031	10	P	S01 S02 T04	
102	K032	10	P	S01 S02 T04	
103	K033	10	P	S01 S02 T04	
104	K034	10	P	S01 S02 T04	
105	K035	10	P	S01 S02 T04	
106	K036	10	P	S01 S02 T04	
107	K037	10	P	S01 S02 T04	
108	K038	10	P	S01 S02 T04	
109	K039	10	P	S01 S02 T04	
110	K040	10	P	S01 S02 T04	
111	K041	10	P	S01 S02 T04	
112	K042	10	P	S01 S02 T04	
113	K043	10	P	S01 S02 T04	
114	K044	10	P	S01 S02 T04	
115	K045	10	P	S01 S02 T04	
116	K046	10	P	S01 S02 T04	
117	K047	10	P	S01 S02 T04	

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escription of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
11 8	K048	10	P	S01 S02 T04	
11 9	K049	10	P	S01 S02 T04	
12 0	K050	10	P	S01 S02 T04	
12 1	K051	10	P	S01 S02 T04	
12 2	K052	10	P	S01 S02 T04	
12 3	K060	10	P	S01 S02 T04	
12 4	K061	10	P	S01 S02 T04	
12 5	K062	10	P	S01 S02 T04	
12 6	K064	10	P	S01 S02 T04	
12 7	K065	10	P	S01 S02 T04	
12 8	K066	10	P	S01 S02 T04	
12 9	K069	10	P	S01 S02 T04	
13 0	K071	10	P	S01 S02 T04	
13 1	K073	10	P	S01 S02 T04	
13 2	K083	10	P	S01 S02 T04	
13 3	K084	10	P	S01 S02 T04	
13 4	K085	10	P	S01 S02 T04	
13 5	K086	10	P	S01 S02 T04	
13 6	K087	10	P	S01 S02 T04	
13 7	K088	10	P	S01 S02 T04	
13 8	K090	10	P	S01 S02 T04	
13 9	K091	10	P	S01 S02 T04	
14 0	K093	10	P	S01 S02 T04	
14 1	K094	10	P	S01 S02 T04	
14 2	K095	10	P	S01 S02 T04	
14 3	K096	10	P	S01 S02 T04	
14 4	K097	10	P	S01 S02 T04	
14 5	K098	10	P	S01 S02 T04	
14 6	K099	10	P	S01 S02 T04	
14 7	K100	10	P	S01 S02 T04	
14 8	K101	10	P	S01 S02 T04	
14 9	K102	10	P	S01 S02 T04	
15 0	K103	10	P	S01 S02 T04	
15 1	K104	10	P	S01 S02 T04	
15 2	K105	10	P	S01 S02 T04	
15 3	K106	10	P	S01 S02 T04	
15 4	K107	10	P	S01 S02 T04	
15 5	K108	10	P	S01 S02 T04	
15 6	K109	10	P	S01 S02 T04	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
157	K111 0	10	P	S01 S02 T04	
158	K111	10	P	S01 S02 T04	
159	K111 2	10	P	S01 S02 T04	
160	K111 3	10	P	S01 S02 T04	
161	K111 4	10	P	S01 S02 T04	
162	K111 5	10	P	S01 S02 T04	
163	K111 6	10	P	S01 S02 T04	
164	K111 7	10	P	S01 S02 T04	
165	K111 8	10	P	S01 S02 T04	
166	K123	10	P	S01 S02 T04	
167	K124	10	P	S01 S02 T04	
168	K125	10	P	S01 S02 T04	
169	K126	10	P	S01 S02 T04	
170	K131	10	P	S01 S02 T04	
171	K132	10	P	S01 S02 T04	
172	K136	10	P	S01 S02 T04	
173	K141	10	P	S01 S02 T04	
174	K142	10	P	S01 S02 T04	
175	K143	10	P	S01 S02 T04	
176	K144	10	P	S01 S02 T04	
177	K145	10	P	S01 S02 T04	
178	K147	10	P	S01 S02 T04	
179	K148	10	P	S01 S02 T04	
180	K149	10	P	S01 S02 T04	
181	K150	10	P	S01 S02 T04	
182	K151	10	P	S01 S02 T04	
183	K156	10	P	S01 S02 T04	
184	K157	10	P	S01 S02 T04	
185	K158	10	P	S01 S02 T04	
186	K159	10	P	S01 S02 T04	
187	K161	10	P	S01 S02 T04	
188	K174	10	P	S01 S02 T04	
189	K175	10	P	S01 S02 T04	
190	K169	10	P	S01 S02 T04	
191	K170	10	P	S01 S02 T04	
192	K171	10	P	S01 S02 T04	
193	K172	10	P	S01 S02 T04	
194	P001	10	P	S01 S02 T04	
195	P002	10	P	S01 S02 T04	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
196	P003	10	P	S01 S02 T04	
197	P004	10	P	S01 S02 T04	
198	P005	10	P	S01 S02 T04	
199	P006	10	P	S01 S02 T04	
200	P007	10	P	S01 S02 T04	
201	P008	10	P	S01 S02 T04	
202	P009	10	P	S01 S02 T04	
203	P010	10	P	S01 S02 T04	
204	P011	10	P	S01 S02 T04	
205	P012	10	P	S01 S02 T04	
206	P013	10	P	S01 S02 T04	
207	P014	10	P	S01 S02 T04	
208	P015	10	P	S01 S02 T04	
209	P016	10	P	S01 S02 T04	
210	P017	10	P	S01 S02 T04	
211	P018	10	P	S01 S02 T04	
212	P020	10	P	S01 S02 T04	
213	P021	10	P	S01 S02 T04	
214	P022	10	P	S01 S02 T04	
215	P023	10	P	S01 S02 T04	
216	P024	10	P	S01 S02 T04	
217	P026	10	P	S01 S02 T04	
218	P027	10	P	S01 S02 T04	
219	P028	10	P	S01 S02 T04	
220	P029	10	P	S01 S02 T04	
221	P030	10	P	S01 S02 T04	
222	P031	10	P	S01 S02 T04	
223	P033	10	P	S01 S02 T04	
224	P034	10	P	S01 S02 T04	
225	P036	10	P	S01 S02 T04	
226	P037	10	P	S01 S02 T04	
227	P038	10	P	S01 S02 T04	
228	P039	10	P	S01 S02 T04	
229	P040	10	P	S01 S02 T04	
230	P041	10	P	S01 S02 T04	
231	P042	10	P	S01 S02 T04	
232	P043	10	P	S01 S02 T04	
233	P044	10	P	S01 S02 T04	
234	P045	10	P	S01 S02 T04	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
235	P046	10	P	S01 S02 T04	
236	P047	10	P	S01 S02 T04	
237	P048	10	P	S01 S02 T04	
238	P049	10	P	S01 S02 T04	
239	P050	10	P	S01 S02 T04	
240	P051	10	P	S01 S02 T04	
241	P054	10	P	S01 S02 T04	
242	P056	10	P	S01 S02 T04	
243	P057	10	P	S01 S02 T04	
244	P058	10	P	S01 S02 T04	
245	P059	10	P	S01 S02 T04	
246	P060	10	P	S01 S02 T04	
247	P062	10	P	S01 S02 T04	
248	P063	10	P	S01 S02 T04	
249	P064	10	P	S01 S02 T04	
250	P065	10	P	S01 S02 T04	
251	P066	10	P	S01 S02 T04	
252	P067	10	P	S01 S02 T04	
253	P068	10	P	S01 S02 T04	
254	P069	10	P	S01 S02 T04	
255	P070	10	P	S01 S02 T04	
256	P071	10	P	S01 S02 T04	
257	P072	10	P	S01 S02 T04	
258	P073	10	P	S01 S02 T04	
259	P074	10	P	S01 S02 T04	
260	P075	10	P	S01 S02 T04	
261	P076	10	P	S01 S02 T04	
262	P077	10	P	S01 S02 T04	
263	P078	10	P	S01 S02 T04	
264	P081	10	P	S01 S02 T04	
265	P082	10	P	S01 S02 T04	
266	P084	10	P	S01 S02 T04	
267	P085	10	P	S01 S02 T04	
268	P087	10	P	S01 S02 T04	
269	P088	10	P	S01 S02 T04	
270	P089	10	P	S01 S02 T04	
271	P092	10	P	S01 S02 T04	
272	P093	10	P	S01 S02 T04	
273	P094	10	P	S01 S02 T04	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
274	P095	10	P	S01 S02 T04	
275	P096	10	P	S01 S02 T04	
276	P097	10	P	S01 S02 T04	
277	P098	10	P	S01 S02 T04	
278	P099	10	P	S01 S02 T04	
279	P101	10	P	S01 S02 T04	
280	P102	10	P	S01 S02 T04	
281	P103	10	P	S01 S02 T04	
282	P104	10	P	S01 S02 T04	
283	P105	10	P	S01 S02 T04	
284	P106	10	P	S01 S02 T04	
285	P107	10	P	S01 S02 T04	
286	P108	10	P	S01 S02 T04	
287	P109	10	P	S01 S02 T04	
288	P110	10	P	S01 S02 T04	
289	P111	10	P	S01 S02 T04	
290	P112	10	P	S01 S02 T04	
291	P113	10	P	S01 S02 T04	
292	P114	10	P	S01 S02 T04	
293	P115	10	P	S01 S02 T04	
294	P116	10	P	S01 S02 T04	
295	P118	10	P	S01 S02 T04	
296	P119	10	P	S01 S02 T04	
297	P120	10	P	S01 S02 T04	
298	P121	10	P	S01 S02 T04	
299	P122	10	P	S01 S02 T04	
300	P123	10	P	S01 S02 T04	
301	P128	10	P	S01 S02	
302	P185	10	P	S01 S02	
303	P188	10	P	S01 S02	
304	P189	10	P	S01 S02	
305	P190	10	P	S01 S02	
306	P191	10	P	S01 S02	
307	P192	10	P	S01 S02	
308	P194	10	P	S01 S02	
309	P196	10	P	S01 S02	
310	P197	10	P	S01 S02	
311	P198	10	P	S01 S02	
312	P199	10	P	S01 S02	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
469	U157	10	P	S01 S02 T04	
470	U158	10	P	S01 S02 T04	
471	U159	10	P	S01 S02 T04	
472	U160	10	P	S01 S02 T04	
473	U161	10	P	S01 S02 T04	
474	U162	10	P	S01 S02 T04	
475	U163	10	P	S01 S02 T04	
476	U164	10	P	S01 S02 T04	
477	U165	10	P	S01 S02 T04	
478	U166	10	P	S01 S02 T04	
479	U167	10	P	S01 S02 T04	
480	U168	10	P	S01 S02 T04	
481	U169	10	P	S01 S02 T04	
482	U170	10	P	S01 S02 T04	
483	U171	10	P	S01 S02 T04	
484	U172	10	P	S01 S02 T04	
485	U173	10	P	S01 S02 T04	
486	U174	10	P	S01 S02 T04	
487	U176	10	P	S01 S02 T04	
488	U177	10	P	S01 S02 T04	
489	U178	10	P	S01 S02 T04	
490	U179	10	P	S01 S02 T04	
491	U180	10	P	S01 S02 T04	
492	U181	10	P	S01 S02 T04	
493	U182	10	P	S01 S02 T04	
494	U183	10	P	S01 S02 T04	
495	U184	10	P	S01 S02 T04	
496	U185	10	P	S01 S02 T04	
497	U186	10	P	S01 S02 T04	
498	U187	10	P	S01 S02 T04	
499	U188	10	P	S01 S02 T04	
500	U189	10	P	S01 S02 T04	
501	U190	10	P	S01 S02 T04	
502	U191	10	P	S01 S02 T04	
503	U192	10	P	S01 S02 T04	
504	U193	10	P	S01 S02 T04	
505	U194	10	P	S01 S02 T04	
506	U196	10	P	S01 S02 T04	
507	U197	10	P	S01 S02 T04	

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Description of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
508	U200	10	P	S01 S02 T04	
509	U201	10	P	S01 S02 T04	
510	U202	10	P	S01 S02 T04	
511	U203	10	P	S01 S02 T04	
512	U204	10	P	S01 S02 T04	
513	U205	10	P	S01 S02 T04	
514	U206	10	P	S01 S02 T04	
515	U207	10	P	S01 S02 T04	
516	U208	10	P	S01 S02 T04	
517	U209	10	P	S01 S02 T04	
518	U210	10	P	S01 S02 T04	
519	U211	10	P	S01 S02 T04	
520	U212	10	P	S01 S02	
521	U213	10	P	S01 S02 T04	
522	U214	10	P	S01 S02 T04	
523	U215	10	P	S01 S02 T04	
524	U216	10	P	S01 S02 T04	
525	U217	10	P	S01 S02 T04	
526	U218	10	P	S01 S02 T04	
527	U219	10	P	S01 S02 T04	
528	U220	10	P	S01 S02 T04	
529	U221	10	P	S01 S02	
530	U222	10	P	S01 S02	
531	U223	10	P	S01 S02	
532	U225	10	P	S01 S02	
533	U226	10	P	S01 S02	
534	U227	10	P	S01 S02	
535	U228	10	P	S01 S02 T04	
536	U230	10	P	S01 S02 T04	
537	U231	10	P	S01 S02 T04	
538	U232	10	P	S01 S02 T04	
539	U233	10	P	S01 S02 T04	
540	U234	10	P	S01 S02 T04	
541	U235	10	P	S01 S02 T04	
542	U236	10	P	S01 S02 T04	
543	U237	10	P	S01 S02 T04	
544	U238	10	P	S01 S02 T04	
545	U239	10	P	S01 S02 T04	
546	U240	10	P	S01 S02 T04	

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escription of Hazardous Wastes (Continued. Use this Additional Sheet(s) as necessary; number as 5 a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	E. PROCESSES (1) PROCESS CODES (Enter code)	(2) PROCESS DESCRIPTION (If a code is not entered in E(1))
54 7	U 2 4 2	10	P	S 0 1 S 0 2	
54 8	U 2 4 3	10	P	S 0 1 S 0 2 T 0 4	
54 9	U 2 4 4	10	P	S 0 1 S 0 2 T 0 4	
55 0	U 2 4 6	10	P	S 0 1 S 0 2 T 0 4	
55 1	U 2 4 7	10	P	S 0 1 S 0 2 T 0 4	
55 2	U 2 4 8	10	P	S 0 1 S 0 2 T 0 4	
55 3	U 2 4 9	10	P	S 0 1 S 0 2 T 0 4	
55 4	U 2 7 1	10	P	S 0 1 S 0 2 T 0 4	
55 5	U 2 7 8	10	P	S 0 1 S 0 2 T 0 4	
55 6	U 2 7 9	10	P	S 0 1 S 0 2 T 0 4	
55 7	U 2 8 0	10	P	S 0 1 S 0 2 T 0 4	
55 8	U 3 2 8	10	P	S 0 1 S 0 2 T 0 4	
55 9	U 3 5 3	10	P	S 0 1 S 0 2 T 0 4	
56 0	U 3 5 9	10	P	S 0 1 S 0 2 T 0 4	
56 1	U 3 6 4	10	P	S 0 1 S 0 2 T 0 4	
56 2	U 3 6 7	10	P	S 0 1 S 0 2 T 0 4	
56 3	U 3 7 2	10	P	S 0 1 S 0 2 T 0 4	
56 4	U 3 7 3	10	P	S 0 1 S 0 2 T 0 4	
56 5	U 3 8 7	10	P	S 0 1 S 0 2 T 0 4	
56 6	U 3 8 9	10	P	S 0 1 S 0 2 T 0 4	
56 7	U 3 9 4	10	P	S 0 1 S 0 2 T 0 4	
56 8	U 3 9 5	10	P	S 0 1 S 0 2 T 0 4	
56 9	U 4 0 4	10	P	S 0 1 S 0 2 T 0 4	
57 0	U 4 0 9	10	P	S 0 1 S 0 2 T 0 4	
57 1	U 4 1 1	10	P	S 0 1 S 0 2 T 0 4	

December 26, 2006

Ms. Sandra J. Miller, CHMM
Waste Management Specialist
Southeast Region – Milwaukee Service Center
WIDNR
2300 N. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Dear Ms. Miller,

As per your request from November 15, 2006 the attached is a specific description of the transfer operation at Badger Disposal as well as information regarding the types of materials that are transferred from containers to tanker trucks.

If you have any questions or require additional information please contact me.

Sincerely,
Badger Disposal of WI., Inc.

Henry J. Krier

TRANSFER OPERATION

Wastes are received in various container sizes such as 5 gallon pails, 10 gallon pails, 14 gallon drums, 30 gallon drums, 55 gallon drums and 275 gallon totes. Once truckload quantities are accumulated, Badger Disposal contracts with a fully DOT licensed transporter to bring in a 6,000 gallon vacuum tanker truck. A different tanker truck is utilized for each outgoing shipment. Badger Disposal only uses empty tanker trucks. Each tanker is checked upon arrival, if the tanker contains residue it is sent back. Every tanker driver has a copy of the last hauled manifest with the trailer, upon arrival at the facility the waste codes from the last hauled manifest are compared to the waste codes for the containers to be pumped to insure compatibility. Drums are staged for pumping inside of the bermed warehouse area. The vacuum tanker truck loads from Dock 2 located on the southeastern corner of the existing storage building. The truck trailer is backed over the berm and loaded inside of the existing storage building.

Upon arrival, the tanker truck backs over to Dock 2 for inspection. Badger Disposal personnel inspect the integrity of the truck as well as the condition of the tanker pump, filter, grounding clamps and hoses and complete and sign a Tanker Truck and Loading Area Inspection Log. During this inspection the warehouse containment integrity is also inspected for leaks, cracks and cleanliness. Once the inspection is completed the trailer is backed into the warehouse for loading.

Badger Disposal process personnel put on appropriate safety equipment which includes respirators, safety glasses, safety shoes, gloves and tyvek suits during the drum pumping operations.

A grounding cable from the tanker trailer is connected to the warehouse grounding cable. This grounding cable is connected to the lid of the drum to be pumped. A wand is connected to the tanker trailer hose. The bung hole of the drum is opened, the wand is inserted and the drum is vacuumed empty. The bung is put back onto the drum, the grounding cable is removed and the empty drum is moved to a storage trailer where it will be shipped off site for reclamation. All drums are pumped from inside of the bermed warehouse area. In order to maintain proper vacuum flow, all hatches on the trailer are closed during the liquid transfer operation. A liquid level control on the trailer indicates when the trailer is full. A sample of the tanker material is obtained for quality control purposes. Air emission sources are from the tanker vacuum pump. The tanker trailer is inspected to make certain that all hoses are put away and capped, valves are closed and capped and that the tanker is not leaking. An outgoing manifest is signed and the tractor trailer leaves Badger Disposal. Materials are transported to approved cement kilns who use the material as a secondary fuel source.

TYPES OF MATERIALS

The types of materials that are transferred from containers to the tanker truck include paints, inks, wash solvents, chlorinated and non-chlorinated flammable liquids, lab waste, aerosol waste as well as lacquer thinners.

...

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

August 1, 2007

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

File Ref: FID# 241384000
HW/LIC

Subject: Renewal of License # 6026 for Storage of Hazardous Waste in Containers
Issuance of License # 4395 for Treatment of Hazardous Waste in Containers
Badger Disposal of Wisconsin, Inc.
EPA ID# WID988580056

Dear Mr. Krier:

With the issuance of this letter, the Wisconsin Department of Natural Resources is confirming that the relicensing of the Badger Disposal of Wisconsin, Inc. hazardous waste container storage unit, license number 6026, is complete. On July 24, 2007, a notice of intent to license was published in the Wisconsin State Journal and the Milwaukee Journal Sentinel.

The Department is also issuing a new license # 4395 for hazardous waste treatment in containers. This license replaces the conditional approval for legitimate recycling exemption issued by the Department on August 23, 1996 and the temporary authorization issued by the Department on February 13, 2007. The hazardous waste treatment license allows fuel blending in a 6,000 gallon tanker truck. As stated in condition #18 of the June 29, 2007 Feasibility and Plan of Operation Report approval, the 6,000 gallons counts toward the maximum storage capacity of 39,600 gallons of hazardous waste.

Hazardous waste licenses are issued and regulated under the provisions of chs. NR 660-670, Wis. Adm. Code. The hazardous waste licenses require compliance with chs. NR 660-670, Wis. Adm. Code, the feasibility and plan of operation report, the June 29, 2007 feasibility and plan of operation report conditional approval, and all subsequent plan modifications issued by the WDNR.

You may continue to apply for renewal of the license annually, for a period of up to ten (10) years from August 1, 2007, the official date of the re-issued operating license (August 1, 2007 + 10 years = August 1, 2017). If you plan to continue to operate the licensed units at this facility following the end of the ten year period, you are required to submit all reports and plans necessary for re-issuance of the revised operating licenses at least 180 days prior to the 10-year anniversary of the revised operating licenses. To facilitate timely re-issuance, submission of the necessary reports and plans at least one year prior to the 10-year expiration date is recommended.

If you have any questions or concerns, please contact Sandy Miller at 920-746-2884, or sandy.miller@wisconsin.gov or contact me at 414-263-8694, or frank.schultz@wisconsin.gov.

Sincerely,

Franklin C. Schultz
Waste and Materials Management Manager
Southeast Region

cc: Pat Chabot/Dave Kollasch - WA/3
Wen Huang - U.S. EPA Region 5
SER HW/LIC File

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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June 29, 2007

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

FID# 241384000
HW/APP

SUBJECT: Final Determination to Conditionally Approve a Feasibility and Plan of Operation Report for a Hazardous Waste Treatment and Storage Facility at Badger Disposal of Wisconsin, Inc., WI, EPA ID# WID 988580056 5611 West Hemlock Street in Milwaukee, Wisconsin

Dear Mr. Krier:

The Department of Natural Resources has reviewed the Feasibility and Plan of Operation Report (FPOR) and subsequent submittals for Badger Disposal of Wisconsin, Inc. located at 5611 West Hemlock Street in Milwaukee, Wisconsin. The FPOR was prepared by Badger Disposal of Wisconsin, Inc. (Badger Disposal) and their consultant, Spectrum Engineering, Inc. A preliminary determination to conditionally approve the FPOR was issued by the Department on February 28, 2007. The final approval of the FPOR is enclosed. In addition, this letter confirms that the Department has determined that no environmental impact statement is required, the wetlands water quality standards of ch. NR 103, Wis. Adm. Code, have been met and the needs requirements of s. 289.28 have been met.

The Department received written comments as a result of the public comment period regarding the preliminary determination to conditional approve the FPOR. The Department's response to the public comments is enclosed.

Please review the conditions in the enclosed final determination carefully. The following changes were made to the preliminary determination to clarify the requirements of the conditions or correct errors:

1. Condition #9 requiring Badger Disposal to send a copy of the FPOR to the library and affected municipalities has been deleted since it applied to the preliminary determination rather than the final determination.
2. Condition #10 has been revised to clarify that trucks cannot park on the public road overnight or on weekends.
3. Condition #11 has been revised to require Badger Disposal to ensure that the integrity of the fence not on their property is maintained.

4. Condition #17, which stated the same corrective action requirement as condition #6, now requires Badger Disposal to re-submit the Part A within 60 days of this final determination. The condition requires the Part A to be revised to include the T04 treatment code for the current fuel blending operations in a tanker truck.
5. Condition #22 has been revised to require a compatibility determination by the mixing of samples of wastes that are to be commingled during blending or bulking operations rather than blending or storage operations.
6. Condition #41, paragraph c. has been reworded to state that any modification request resulting from the construction of new units be in accordance with the requirements in s. NR 670.042, Wis. Adm. Code.

Based on information provided in the FPOR and subsequent submittals, it is the Department's determination that Badger Disposal will allow satisfactory hazardous waste treatment and storage of hazardous waste, provided the facility complies with the Feasibility and Plan of Operation Report, the conditions of the approval and chapters NR 660 to NR 670, Wis. Adm. Code. Note that the Department retains jurisdiction to either require the submittal of additional information or to modify this approval at any time if, in the Department's opinion, conditions warrant further modifications.

As required by NR 670.415(2), Wis. Adm. Code, the Department will publish the attached notice of intent to issue an operating license in the Milwaukee Journal Sentinel and Wisconsin State Journal on July 24, 2007. Section NR 670.415(3), Wis. Adm. Code, requires the Department to re-issue the operating license within 30 days of publishing the notice or refund the operating license review fee.

If you have any questions or concerns, please contact me at (414) 263-8694 or Sandy Miller at (920) 746-2884.

Sincerely,

Franklin Schultz
Waste Program Manager
South East Region

Attachments – Final FPOR Determination
Department response to comments
Public notice of intent to re-issue the license

cc: Don Gallo – Reinhart, Boerner, Van Deuren
Pete Flaherty - LS/5
Pat Chabot/Dave Kollasch - WA/3
Wen Huang - U.S. EPA Region 5

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

FINAL DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT

BADGER DISPOSAL OF WISCONSIN, INC.
EPA ID# WID988580056
FID# 241384000

GENERAL FACILITY INFORMATION

Facility Name, Site Operator, and Address

Badger Disposal of Wisconsin, Inc.
Henry J. Krier, President
5611 West Hemlock Street
Milwaukee, WI 53223

Facility and Property Owner

Badger Investment Realty, LLC
5611 West Hemlock Street
Milwaukee, WI 53223

Facility Location

The Southwest 1/4 of Section 14, Township 8 North, Range 21 East
City of Milwaukee, Milwaukee County, Wisconsin

Facility Contacts

Henry Krier, President
Kandylee Schmit, Compliance Officer
414-760-9175

Consultant

Renee Smits, P.E.
Spectrum Engineering, Inc.
19395 West Capitol Drive
Brookfield, WI 53045
262-783-7725

Facility Description – Current Facility Operations

The facility at 5611 West Hemlock Street in Milwaukee began operations as EOG Disposal on September 1, 1990. A hazardous waste facility interim license was issued to EOG Disposal on March 15, 1994. The initial hazardous waste facility operating license was issued to EOG Disposal on December 16, 1996. In early 2003, the name of the facility changed from EOG Disposal to Badger Disposal of Wisconsin, Inc., as a result of an ownership change. On May 6, 2003, the Department approved a Class 1 license modification recognizing the ownership and name change.

Badger Disposal is located on approximately 3 acres of land. Badger Disposal is immediately surrounded by manufacturing, warehousing and other commercial activities. Badger Disposal serves over 900 clients of commercial, institutional, governmental and industrial companies nationwide.

Badger Disposal currently operates a licensed hazardous waste and nonhazardous waste storage facility within an existing building which consists of an 11,000 square foot licensed storage area and other non-regulated areas, such as a laboratory, reception area and administrative offices. The building is constructed of 12-inch thick outside walls and reinforced concrete floors. Six-inch high, ten-inch thick concrete berms are constructed where exits from the regulated storage area to non-containment areas exist. A 4-hour rated fire wall has been constructed with automatic fire doors which will close if excessive heat is detected, isolating the hazardous waste processing and storage area from the laboratory and office area.

The storage area in the existing warehouse building has the capacity to store up to 1,720 55-gallon containers (94,600 gallons) of hazardous and nonhazardous waste. The total capacity consists of a combination of hazardous waste and nonhazardous waste containers which are not to exceed a maximum of 720 55-gallon hazardous waste containers (39,600 gallons) and 1,500 55-gallon nonhazardous waste containers (82,500 gallons). Containers of nonhazardous waste and containers of hazardous waste solids and lab packs are stored two high. Containers of hazardous waste liquids are not stacked. Containers of hazardous waste liquids and lab packs are stored on 6 or 8 drum spill containment pallets which have capacity to contain at least 10% of the container volume.

The primary function of Badger Disposal is the bulking and transfer of hazardous and nonhazardous waste for recycling, fuel blending and other waste management methods. The majority of the wastes received at Badger Disposal are organic hazardous wastes (F001, F002, F003, F005 and D001 hazardous wastes) and nonhazardous wastes that are shipped off-site to be recycled or burned as a fuel in industrial furnaces. Badger Disposal is also approved to store corrosive, reactive and toxic characteristic hazardous wastes (D002-D043 hazardous wastes), listed hazardous wastes from non-specific sources (F-listed hazardous wastes), listed hazardous wastes from specific sources (K-listed wastes) and toxic and acute commercial chemical products and manufacturing chemical intermediates (U- and P- listed hazardous wastes). Wastes that are not burned as fuel are bulked for off-site metal recovery, neutralization and other waste management methods. Containers of waste that are not bulked are stored on-site until enough accumulate for an economical shipment off-site.

Badger Disposal accepts containers of lab-packed waste into its storage facility. The small containers in the lab-packs are not emptied, but are re-packed into larger lab-pack containers before they are shipped to off-site treatment, storage or disposal facilities. The lab pack container is re-packed while it is located on a spill containment pallet to minimize potential spills. The lab pack operations are performed in designated areas that are placarded and delineated by markings on the floor. Badger Disposal stores gas cylinders in its storage facility until enough have been accumulated for economical shipment to a permitted treatment or disposal facility. Badger Disposal was issued a conditional exemption for the storage and transfer of polychlorinated biphenyls (PCBs) on February 9, 2006. The conditional exemption allows Badger Disposal to store and bulk PCB wastes, such as ballasts, transformers and other PCB containing materials in the hazardous waste storage facility. Badger Disposal punctures aerosol cans using a puncturing device which de-pressurizes the cans and allows them to drain. The liquid contents of the aerosol cans are drained into a 55 gallon container and may be fuel blended. The drained aerosol cans are sent off-site for metal recycling.

Before containers of hazardous waste are shipped to Badger Disposal, a waste profile form is completed by the generator. The waste profile includes generator information, a waste description, general characteristics and composition such as viscosity, % water, total suspended solids, pH, BTU's, flash point, halogens, and metals content. Generators are required to re-submit waste identification forms annually. Profiles for containers of lab packed waste include an inventory list of laboratory chemicals packed in each drum. After the waste is received by Badger Disposal, the waste is sampled and analyzed to verify the properties of the waste stated on the waste profile form.

Badger Disposal also blends hazardous wastes so they can be burned as a fuel in off-site boilers and industrial furnaces, such as cement kilns. Containers of hazardous waste that are selected for fuel blending are staged inside the bermed warehouse area near Dock 2 located on the east side of the existing warehouse building. A 6,000 gallon vacuum truck trailer is backed over the berm and the contents of the selected drums are pumped into the trailer while it is parked within the containment area of the warehouse building. A liquid level control on the tanker indicates when the tanker is full. Before transport, a sample of the material in the tanker is obtained and analyzed to determine if the mixture meets fuel blending specifications. The valves are closed and capped and the trailer is inspected to make sure it is not leaking. A new manifest accompanies the outbound shipment which is transported to an approved cement kiln for use as a secondary fuel. Empty containers generated by pumping the waste into the vacuum truck are either crushed or stored at Badger Disposal until they shipped to a drum recycler.

Total Treatment Capacity

Badger Disposal treats hazardous wastes to meet fuel blending specifications. Fuel blending is currently performed in a 6,000 gallon vacuum truck parked within the spill containment area of the existing warehouse building. Badger Disposal is proposing to construct a blending area on the east side of the existing warehouse building where a 2,000 gallon blending tank will be located. Waste will be pumped from the blending tank to four 12,000 gallon storage tanks in the

proposed tank farm. See sheet 2 of 18 (July 1994) for the tank configuration. The blending tank and tank farm will replace the current fuel blending operations in the vacuum truck.

Total Hazardous Waste Container Storage Capacity

The maximum storage capacity in the existing warehouse building is 720 fifty-five gallon containers or 39,600 gallons of hazardous waste. The 39,600 gallon maximum capacity in the existing warehouse includes the 6,000 gallon vacuum truck into which the wastes are fuel blended. See drawing number 05490-D1 (08/25/06) for the layout of containers.

The maximum storage capacity in the proposed addition to the existing warehouse building is 492 fifty-five gallon containers or 27,060 gallons of non-ignitable hazardous waste. See Sheet 10 of 18 in Appendix P (June 1994) for the container layout in the proposed addition.

The maximum storage capacity in the proposed lab pack building is 145 fifty-five gallon containers or 7,975 gallons. See Sheet 11 of 18 in Appendix P (July 1994) for the container layout in the proposed lab pack building.

The maximum storage capacity in the proposed bulk solids area is six 20 cubic yard roll off boxes. See Sheet 3 of 3 in Appendix P (10/30/95) for the layout of the roll off box storage area. The maximum storage capacity of bulk solids storage in the existing warehouse building in the repack area and roll off loading area is one 20 cubic yard roll off box. See Drawing #05490-D1 (08/25/06).

Badger Disposal will use 5, 10, 14, 20, 30, 55, 85 gallon drums, 275 gallon totes and cubic yard bags and boxes to store hazardous waste in the existing warehouse building, the proposed addition to the warehouse building and the proposed lab pack building. After construction is completed, the maximum storage capacity for containers, other than roll off boxes, will be the equivalent of 1,357 fifty-five gallon containers, or 74,635 gallons.

Total Hazardous Waste Tank Storage Capacity

The maximum storage capacity in the proposed lab pack building will be two 5,500 gallon above ground tanks for a total of 11,000 gallons. See sheet 11 of 18 in Appendix P (July 1994). One tank will be used to store acid waste and one tank will be used to store basic waste.

The maximum storage capacity in the proposed tank farm will be four 12,000 gallon tanks for a total of 48,000 gallons. See sheet 12 of 18 in Appendix P (August 1994).

After construction is completed, the total quantity of hazardous waste stored in tanks will be 61,000 gallons which includes the 2,000 gallon fuel blending tank in the existing warehouse building.

Facility Operation - Proposed Construction

Badger Disposal proposes to construct the following units:

1. A new tank farm;
2. A new lab pack building;
3. Roll off/lugger box storage area; and,
4. An addition to the existing warehouse building.

1. The proposed tank farm: A 2,000 gallon fuel blending tank will be located in the repack area on the east end of the existing warehouse building. Solids which are suitable for fuel blending will be augered from drums and directed to the fuel blend tank. Liquids suitable for fuel blending will also be pumped into the 2,000 gallon fuel blending tank. A minimum liquid level will be maintained in the blending tank at all times to allow solids from the drum auger to be blended. The contents of the blending tank will be continuously mixed to achieve a homogeneous blend which will be pumped to the bulk storage tank system consisting of four 12,000 gallon carbon steel above ground storage tanks. The bulk storage tank system will be located in a 40 feet by 40 feet lined and coated concrete containment area provided with a canopy.

2. The proposed lab pack building: The totally enclosed lab pack building will be 104 feet by 60 feet and constructed to provide for the maximum storage of 145 55-gallon drums in 5 distinct containment areas. Each containment area will be 20 feet by 13 feet and designed to store up to 29 drums each of acidic, basic, ignitable, reactive waste or oxidizers. A containment area for drums of basic waste will be next to a 5,500 gallon above ground storage tank for basic waste. A containment area for drums of acidic waste will be next to a 5,500 gallon above ground storage tank for acid waste. Each of the tanks will be constructed of lined carbon steel, equipped with continuous readout non-contact ultrasonic level controls and located in a 15 feet by 15.5 feet room. The lab pack building will also have 5 lab-pack bays, which will be used to repack acidic, basic, ignitable, reactive wastes or oxidizers. Once the waste is repacked into 55 gallon drums, the waste will either be bulked into the acid or caustic storage tank in the lab pack building or transferred to the warehouse building where it will be processed into fuels or stored until it is shipped off-site for disposal or recycling. The lab pack building will also house a scrubber system, consisting of ventilation equipment, a carbon adsorber and an alkaline oxidation scrubber.

3. The proposed roll off/lugger box storage area: A maximum of 6 20-cubic yard roll off/lugger boxes will be stored on a 60 feet by 22 feet concrete slab enclosed with a canopy. The floor slab will be constructed of 8 inch thick reinforced concrete. Concrete curbing monolithically joined to the concrete floor slab will provide adequate secondary containment for the volume of one 20 cubic yard roll-off box. The roll off/lugger boxes will be used to store solid hazardous and nonhazardous waste of like chemical compatibility. Roll off/lugger boxes will be accepted from generators and shipped off-site under generic outgoing approvals. One roll off/lugger box stored inside the existing warehouse will be used to bulk waste. Fifty-five gallon containers of solids will be emptied into the roll-off box using the same variable speed hydraulically driven auger used to empty containers of hazardous waste destined for fuel blending.

4. The proposed addition to the existing warehouse building: The addition will be constructed to the south of the existing building and will add 40 feet by 150 feet of additional space for container storage. The addition will provide for the storage of a combination of up to 492 containers of non-ignitable hazardous waste and up to 984 containers of non-ignitable nonhazardous waste, not to exceed a maximum capacity of an equivalent of 984 55-gallon containers (53,900 gallons).

Re-licensing Procedures

The initial hazardous waste operating license for storing hazardous waste in containers and tanks was issued on December 16, 1996. The initial operating license is effective for 10 years from the date of issuance. On June 17, 2005, the Department issued a call-in letter to Badger Disposal requiring them to either pursue relicensing by submitting a Feasibility and Plan of Operation Report (FPOR) or notify the Department of its intent to close the facility. Badger Disposal has chosen to continue to operate its licensed hazardous waste storage facility. Badger Disposal submitted an FPOR, as required by s. NR 670.010(8), Wis. Adm. Code, on March 17, 2006. The FPOR submitted by Badger Disposal describes how the facility will conduct its operations in compliance with the applicable requirements of the Department's hazardous waste management rules, chs. NR 660 to 679, Wis. Adm. Code.

Determination of Need

The Department believes there is a need for the Badger Disposal facility to store and treat hazardous waste. The purpose of Badger Disposal's bulking and fuel blending facility is to collect and direct waste streams to reclamation and beneficial re-use operations wherever possible. The recycling of materials handled at Badger Disposal is most cost effective when managed in bulk quantities. Generators sending waste to Badger Disposal generate small quantities of waste which would otherwise be solidified and disposed in landfills or incinerated. The bulking operations at Badger Disposal allow these wastes to be directed to recycling or beneficial re-use programs rather than landfilling. Examples of these recycling and beneficial re-use programs include the blending of wastes for use as fuels at cement kilns and the use of wastewater for cooling and make-up water in the cement-making process.

Many of the companies sending waste to Badger Disposal generate waste in small quantities. The disposal of small quantities of waste by the generator can be difficult and expensive. Badger Disposal stores and bulks these smaller quantities of wastes into larger containers for eventual shipment off-site, which can decrease the treatment or disposal costs for the generator.

Licensing History (Approvals/Determinations)

On March 8, 1993, EOG Disposal submitted an application for an interim license to store hazardous waste. On March 15, 1994, the Department issued an interim license application determination which conditionally approved the interim license application. The interim license allowed EOG Disposal to store in containers the additional twenty-five hazardous waste codes resulting from the promulgation of the toxicity characteristic (TC) rule. A condition of the interim license required EOG Disposal to submit a FPOR within 180 days of the approval.

The FPOR was submitted in September 1994. The initial FPOR approval for hazardous waste storage was issued to EOG Disposal on April 19, 1996. The hazardous waste storage facility operating license was issued on December 16, 1996. In addition, the Department issued the following approvals for the facility:

- August 23, 1996 Conditional Approval for Legitimate Recycling Exemption – Hazardous Waste Burned for Energy Recovery/Fuel Blending and Marketing Activities.
- May 14, 1997 Construction Determination and License Modification Determination Second Phase of the Hazardous Waste Management Storage Facility to allow the storage of ignitable waste in the existing warehouse building.
- June 17, 2003 Conditional Class 1 Plan Modification Final Determination for Name and Ownership Change to Badger Disposal of Wisconsin, Inc.
- January 7, 2004 Class 2 Plan Modification Request to store hazardous waste containers two high without increasing the storage capacity.
- January 29, 2004 Conditional Class 1 Modification Determination – Revised Container Storage Layout
- April 6, 2004 Conditional Class 1 Modification Determination – Revised Container Storage Layout
- August 15, 2006 Temporary Authorization Request granting conditional approval to continue fuel blending operations since the May 14, 1997 conditional approval for the legitimate recycling exemption is no longer effective due to the adoption of the new Wisconsin hazardous waste administrative code.
- February 13, 2007 Re-issuance of the Temporary Authorization Determination for fuel blending operations

Regulatory Status of Fuel Blending

On August 1, 2006, the State of Wisconsin repealed and re-created the hazardous waste administrative code, chs. NR 600 to 690. The hazardous waste administrative code in effect at the time the initial license was issued to EOG Disposal allowed the Department to grant a recycling exemption under ch. NR 625 for fuel blending activities. A recycling exemption approval was issued to EOG Disposal on August 23, 1996. On August 1, 2006, ch. NR 625 was repealed. Fuel blending activities are now subject to full hazardous waste treatment facility requirements, including licensing. The Department issued a notice of the change in regulatory status to Badger Disposal on June 14, 2006 and requested Badger Disposal to submit a temporary authorization request to allow Badger Disposal to continue fuel blending activities, pending licensing. Badger Disposal submitted the temporary authorization request on July 10, 2006. The temporary authorization conditional approval issued by the Department on August 15, 2006 required Badger Disposal to include information regarding the fuel blending activities in the FPOR. The temporary authorization conditional approval was re-issued on February 13, 2007 and expires within 180 days or until a treatment license is issued by the Department, whichever occurs first.

If the Department's final decision is to approve the FPOR, a hazardous waste treatment facility operating license will be issued to Badger Disposal for the fuel blending activities. The Department does not consider the issuance of a treatment license to be either a new facility or an

expansion of the existing Badger Disposal facility, since the fuel blending activities have occurred at Badger Disposal since the ch. NR 625 exemption approval was issued on August 23, 1996. Badger Disposal is not changing their waste management activities; rather, the Department is changing administrative authority to regulate the fuel blending activity.

Closure

Badger Disposal expects to operate for the next 50 years with no partial closure of the facility anticipated. The FPOR includes a detailed closure plan and cost estimates for completing closure. The closure plan includes the removal of the maximum allowable quantity of hazardous waste stored and treated at the facility and decontamination procedures for all of the surfaces and equipment in the tank and container storage and treatment areas.

Financial Responsibility

The cost for final closure of the Badger Disposal facility is estimated to be $181,495.00. The closure cost estimate is adjusted annually for inflation. Badger Disposal is required to maintain on file with the Department adequate proof of financial responsibility to cover the cost of closure. Currently Badger Disposal has on file an irrevocable letter of credit for closure.

The facility also maintains a pollution liability insurance policy for sudden environmental releases of $1,000,000 per occurrence and $2,000,000 annual aggregate.

FINDINGS OF FACT

The Department finds that:

1. Badger Disposal of Wisconsin, Incorporated (Badger Disposal) currently operates a hazardous waste container storage unit and treatment unit in an existing warehouse building, according to the facility standards stated in chs. NR 660 to 679, Wis. Adm. Code. A maximum capacity of 720 55-gallon containers of hazardous waste is stored in the existing warehouse building. A 6,000 gallon vacuum truck is used for fuel blending operations. The trailer of the vacuum truck is parked in the existing warehouse building while wastes selected for fuel blending are pumped from the containers into the trailer. Selective fuel blending is hazardous waste treatment subject to hazardous waste licensing requirements.
2. On March 15, 1994, the Department issued an interim hazardous waste storage license to EOG Disposal, Incorporated. The interim license allowed EOG Disposal, Inc., to store in containers the additional twenty-five hazardous waste codes resulting from the promulgation of the toxicity characteristic (TC) rule.
3. On April 19, 1996, the Department conditionally approved a FPOR submitted by EOG Disposal, Inc.
4. On August 23, 1996 the Department issued a recycling exemption conditional approval to EOG Disposal, Inc. under the authority of s. NR 625.07, Wis. Adm. Code, for the fuel blending of hazardous waste.

5. On December 16, 1996, the Department issued the initial hazardous waste storage facility operating license to EOG Disposal, Inc. The license is effective for 10 years.
6. On May 14, 1997 the Department issued a construction determination and license modification determination for the second phase of the hazardous waste storage facility allowing EOG Disposal to store ignitable hazardous waste in the existing warehouse building.
7. On June 17, 2003 the Department issued a conditional class 1 plan modification final determination to change the ownership of the facility to Badger Investment Realty, LLC. The name of the facility changed from EOG Disposal, Inc. to Badger Disposal of Wisconsin, Inc.
8. On June 17, 2005, the Department issued a call-in letter requesting Badger Disposal to either initiate closure or seek re-licensing of the facility by submitting a FPOR.
9. On August 24, 2005, Badger Disposal submitted an Incident Report for a fire that occurred on the property. The report indicated that samples of the debris, asphalt and soils in the affected area were collected and submitted for analysis.
10. On March 17, 2006, Badger Disposal submitted the FPOR and requested the Department to re-issue a 10 year operating license. A check in the amount of $7,800 was included for the review fee.
11. On May 16, 2006, the Department issued a Notice of Incompleteness for the FPOR and requested a response by July 16, 2006.
12. On June 14, 2006, the Department sent a letter to Mr. Henry Krier, President of Badger Disposal, stating that new hazardous waste rules would be in effect sometime in August 2006. Mr. Krier was notified that the recycling exemption conditional approval issued under ch. NR. 625, Wis. Adm. Code, for the fuel blending activity at Badger Disposal would no longer exist after the new rules took effect. The Department acknowledged that affected facilities are not changing their waste management activities. Rather the Department is changing the administrative authority to regulate the activity from a recycling exemption approval to a licensed treatment activity. The Department requested Badger Disposal to submit a temporary authorization request by July 10, 2006 if it intended to continue fuel blending activities.
13. On July 6, 2006, Badger Disposal requested that the submittal date for its response to the FPOR notice of incompleteness be extended to September 16, 2006.
14. On July 10, 2006, Badger Disposal submitted a temporary authorization request to continue fuel blending activities.
15. On July 11, 2006, the Department granted an extension allowing Badger Disposal to submit its response to the May 16, 2006 FPOR notice of incompleteness by September 16, 2006.
16. On August 1, 2006, the revised State of Wisconsin hazardous waste administrative code was adopted.
17. On August 3, 2006, the Department received a complaint alleging that containers of hazardous waste and flammable materials were being stored outside on the east side of the Badger Disposal storage building. On August 3, the Department investigated the complaint allegations and found that the drums stored outside were empty.
18. On August 15, 2006, the Department issued Badger Disposal a temporary authorization conditional approval for fuel blending activities.
19. On September 15, 2006, the Department received Badger Disposal's response to the May 16, 2006 FPOR notice of incompleteness.

20. On October 4, 2006, the Department received information that soils had been excavated on the east side of the storage building. Badger Disposal informed the Department on October 4, 2006 that soils had been excavated to create a turn-out for the vacuum truck backing into the east loading dock for fuel blending operations. Badger Disposal informed the Department that crushed stone would likely be used for the turn-out.
21. On October 10, 2006, the Department collected samples from a pile of soil that was excavated on the east side of the storage building. The samples were submitted for VOC and PAH analysis.
22. On November 15, 2006, the Department met with Badger Disposal and its consultant to discuss air emission requirements and ch. NR 664 subch. CC, Wis. Adm. Code, requirements that apply to the fuel blending operations. EPA permitting staff and DNR air compliance staff participated in the meeting. After the meeting, the Department sent an e-mail requesting Badger Disposal to submit specific information regarding the fuel blending operation to the Department by December 30, 2006.
23. On December 14, 2006, the Department prepared a correspondence memorandum regarding the need for corrective action at Badger Disposal. The correspondence memorandum documents the Department's decision that corrective action at Badger Disposal is not necessary at this time.
24. On December 26, 2006, Badger Disposal submitted replacement pages to Section 7 of the FPOR which included revised rejection procedures for incoming shipments of hazardous waste.
25. On January 3, 2007, the Department received Badger Disposal's December 26, 2006 response to the Department's November 15, 2006 e-mail regarding air emission requirements.
26. On February 6, 2007, the Department requested additional information regarding a fire resulting from the bulking of metal bearing wastes on August 17, 2005.
27. On February 6, 2007, Badger Disposal requested the Department to re-issue the temporary authorization for the fuel blending operation.
28. On February 7, 2007, Badger Disposal supplied the additional information regarding the fire on August 17, 2005.
29. On February 13, 2007, the Department re-issued a 6-month temporary authorization approval for the fuel blending operation.
30. On February 28, 2007, the Department issued a preliminary determination to conditionally approve the FPOR.
31. On March 1, 2007, the Department requested additional information regarding the August 17, 2005 fire.
32. On March 12, 2007, Badger Disposal notified the Department that a copy of the updated FPOR was sent to the Milwaukee Public Library and affected local municipalities.
33. On March 15, 2007, the preliminary determination was public noticed in the Milwaukee Journal Sentinel and State Journal and broadcasted on radio station WFMR.
34. On March 22, 2007, the Department issued a news release stating the preliminary determination reaffirmed that approving the license would not significantly affect the quality of human health or the environment.
35. On March 27, 2007, Badger Disposal submitted the additional information to the Department regarding the August 17, 2005 fire.

36. On April 11, 2007, the Department received comments regarding the preliminary determination issued by the Department.
37. On April 24, 2007, the Department updated the decision regarding the need for corrective action made on December 14, 2006. Based on additional information supplied on March 27, 2007, corrective action is necessary in the area of the August 17, 2005 fire.
38. On May 16, 2007, additional comments were received on the preliminary determination issued by the Department. The late comments were accepted due to delays in providing the public files.
39. On May 25, 2007, Badger submitted updated pages to the contingency plan and revised compatibility procedures.
40. On June 29, 2007, the Department responded to the comments received on April 10, 2007 and May 16, 2007.

CONCLUSIONS OF LAW

The Department concludes that:

1. The Department promulgated chs. NR 660 through 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 289 and 291, Wis. Stats.

2. The Department has the authority to conditionally approve a FPOR if the conditions are necessary to ensure compliance with chs. NR 660 through 679, Wis. Adm. Code, pursuant to s. 289.30(6), Wis. Stats.

3. Pursuant to s. 289.31, Wis. Stats., and s. NR 670.050, Wis. Adm. Code, the Department may issue annual renewals of hazardous waste operating licenses for an effective period of up to 10 years. If the licensee chooses to operate or maintain a hazardous waste facility after the 10-year effective period ends, the licensee must submit, at least 180 days before the end of the effective period, a new operating license application consisting of a part A application form, the feasibility and plan of operation report and any supplemental information, as specified in s. NR 670.010(1), (3) and (8), Wis. Adm. Code, and the applicable sections of chs. NR 660 to 679, Wis. Adm. Code.

4. The Department promulgated ch. NR 103, Wis. Adm. Code, to preserve and protect the water quality of wetlands.

5. Pursuant to s. 289.30(6), Wis. Stats., and ch. NR 670, Wis. Adm. Code, the Department has the authority to issue hazardous waste facility plan approvals.

6. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 660 through 679, Wis. Adm. Code.

DETERMINATION

In accordance with s. 289.28(3), Wis. Stats., the Department has determined that there is a need for the facility to store and treat hazardous waste as approved. The Department has further determined that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, and that the existing facility conforms to wetlands water quality standards pursuant to ch. NR 103, Wis. Adm. Code.

Based on the above Findings of Fact and Conclusions of Law, the Department hereby approves the hazardous waste feasibility and plan of operation report for Badger Disposal of Wisconsin, Inc., submitted on March 17, 2006 and amended on September 15, 2006, December 26, 2006 and May 25, 2007, subject to compliance with ch. 291, Stats., chs. NR 660 through NR 679, Wis. Adm. Code, and the following conditions.

CONDITIONS OF APPROVAL

Badger Disposal of Wisconsin, Inc. is subject to the following conditions:

General Conditions

1. The storage and treatment facility shall be operated in accordance with the approved Feasibility and Plan of Operation Report (FPOR), the requirements of ch. 291, Wis. Stats., chs. NR 660 to 679, Wis. Adm. Code, and the conditions of this approval.

2. The Department retains the right to modify this approval and to require the submittal of additional information. Nothing in this conditional approval shall relieve Badger Disposal of the legal obligation to comply with applicable federal, state and local approvals.

3. The conditions set out in s. NR 670.030, Wis. Adm. Code, apply to this facility and are hereby incorporated by reference and made a part of this approval and of any operating license which may be issued for the facility based upon this approval.

4. Badger Disposal shall comply with all applicable statutes and rules relating to spills, leaks, or other releases of hazardous waste or other hazardous substances, including ch. 292, Wis. Stats., subch. D of ch. NR 664, Wis. Adm. Code, and chs. NR 700 to 754, Wis. Adm. Code.

5. The licenses for operating the container storage units, the tank storage units and the treatment (fuel blending) unit are subject to the annual renewal of operating license fees listed in Appendix II, ch. NR 670, Wis. Adm. Code.

6. The Department reserves the right to require corrective action by Badger Disposal under the authority of s. 291.37, Wis. Stats., and chs. NR 660 to 679, Wis. Adm. Code.

7. Badger Disposal shall comply with all applicable requirements of the Department's air pollution control rules stated in chs. NR 400 to 499, Wis. Adm. Code, and directives including but not limited to obtaining all necessary permits to operate in accordance with these rules.

Badger Disposal shall notify the Department of any change in operation that results in an increase in the maximum potential emissions of an air contaminant or which results in the emission of an air contaminant not previously emitted.

8. Badger Disposal shall comply with all applicable air management permit conditions and hazardous waste licensing conditions. When two or more operating limitations apply, the most stringent operating limitations take precedence.

9. Trucks containing hazardous waste may not be parked on the public road adjacent to the Badger Disposal facility overnight or over the weekend.

10. Until the fence is re-located onto the Badger Disposal property, Badger Disposal shall ensure the integrity of that portion of the fence located on property not owned by Badger Disposal.

11. The drum crusher unit may only be used to crush drums that are empty, as defined in s. NR 661.07(2), Wis. Adm. Code. Before using the drum crusher unit to crush non-empty drums, Badger Disposal shall submit a modification request for operation of a miscellaneous unit.

12. The aerosol can puncturing device shall be operated in accordance with good engineering practices. The air emissions from the puncturing operations shall be captured using a control device such as a carbon adsorption system. The carbon unit on the puncturing device shall be replaced with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life.

13. Empty containers stored outside shall be kept under cover or sheltered.

14. The surface area to the east of the existing warehouse building that is used to access Dock #2 for fuel blending operations shall be paved with an impervious surface. An outline of activities related to the paving of the roadway and turn-out, including timeframes, shall be submitted to the Department within one month of the date of the final feasibility and plan of operation determination. If the grading and paving operations are not according to sheet 3 of 16 in Appendix P of Volume II of the FPOR, Badger shall submit a class 1 modification request for the paving activity.

15. Badger Disposal shall supply information demonstrating compliance with s. NR 664.0032(4), Wis. Adm. Code, within one month of the date of the final feasibility and plan of operation determination. Section NR 664.0032(4), Wis. Adm. Code, requires the facility to be equipped with water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers or water spray systems.

16. Within 60 days of the date of the final feasibility and plan of operation determination, Badger Disposal shall submit a revised Part A form 8700-23 which includes the current fuel blending operations in a tanker truck (T04 process code).

Specific Conditions For All Hazardous Waste Storage and Treatment Units

17. Badger Disposal may store or treat only hazardous wastes bearing the waste codes listed in the Part A application signed and dated March 3, 2006. Wastes with similar characteristics, yet different hazardous waste codes, may only be managed at the facility after receiving written approval from the Department following a modification to this determination and the submission of a revised Part A application.

18. Badger Disposal may not store hazardous waste in quantities greater than those stated below:
    a. Existing warehouse: A maximum of 720 55-gallon containers or 39,600 gallons of hazardous waste or a maximum of 1,500 containers or 82,500 gallons of nonhazardous waste. If a combination of hazardous and nonhazardous waste containers is stored in the existing warehouse, the total quantity may not exceed 1,720 55 gallon containers or 94,600 gallons with no more than 39,600 gallons of hazardous waste and no more than 82,500 gallons of nonhazardous waste stored at any time. The quantity of 6,000 gallons of hazardous waste in containers waiting to be fuel blended or already pumped into the vacuum truck shall count towards the maximum capacity of 39,600 gallons of hazardous waste.
    b. Addition to the existing warehouse: A maximum of 492 55-gallon containers or 27,060 gallons of non-ignitable hazardous waste or a maximum of 984 55-gallon containers or 54,120 gallons of nonhazardous waste. If a combination of hazardous and nonhazardous waste containers is stored, the total quantity may not exceed 984 55-gallon containers or 54,120 gallons with no more than 27,060 gallons of non-ignitable hazardous waste stored at any time.
    c. Tank Farm: A maximum of one 2,000 gallon above ground blending tank in the re-pack area of the existing warehouse and four 12,000 gallon above ground storage tanks in a tank farm.
    d. Lab pack building: A maximum of 145 55-gallon containers or 7,975 gallons of hazardous waste with no more than 29 55-gallon containers or 1,595 gallons stored in each of 5 distinct containment areas. A maximum of two 5,500 gallon above ground storage tanks with one tank storing acid waste and one tank storing basic waste.
    e. Bulk solids storage area: One 20 cubic yard roll-off box of hazardous waste located in the repack area on the east side of the existing warehouse building. A maximum of six 20 cubic yard roll-off boxes of hazardous waste in the bulk solids storage area.

19. All hazardous waste storage and treatment activities shall be confined to the areas specified for those purposes in the approved FPOR.

20. Badger Disposal shall analyze each waste stream in accordance with the waste analysis procedures set forth in the waste analysis plan in Appendix D of the March 17, 2006 FPOR.

21. Prior to blending or bulking, the compatibility of the waste streams shall be evaluated by the direct mixing of samples of the wastes that are to be commingled.

22. Waste received from off-site shall be processed or moved into a container or tank storage area within 24 hours of the hazardous waste arriving at the facility.

23. Badger Disposal shall sign off on manifests within 24 hours of receipt of the wastes.

24. When storing containers two high, containers of equal or larger size or quantity shall be stored on the bottom level.

25. When containers greater than 20 gallons in size are stored 2 high, pallets shall be used to separate the first level from the second level.

26. A minimum aisle space of 3 feet between all of the rows of containers shall be maintained at all times. Lines shall be clearly marked on the floor to delineate the rows of containers from the aisles.

27. Containers shall be placed in the storage areas so that labels are visible from the aisles.

28. Placards shall be used to clearly identify the separate storage areas for the different types of hazardous wastes stored, such as poisons, reactive, corrosive, and ignitable wastes.

29. If a spill occurs in a containment pallet or on the floor, the containment pallet or floor shall be decontaminated in accordance with the FPOR before another type of waste is stored on the containment pallet or floor.

30. All uncontained wastes and accumulated liquids, such as precipitation and wash waters, located within the secondary containment systems shall be removed from the diked area daily and managed as hazardous or nonhazardous waste, in accordance with the FPOR and chs. NR 660 to 679 or chs. NR 500 to 555, Wis. Adm. Code.

31. Badger Disposal may not store materials or equipment whose volume will adversely affect the secondary containment capacity of the storage or treatment units, other than the equipment considered in the secondary containment system calculations included in the FPOR.

32. All concrete-surfaced secondary containment structures shall be re-sealed or repaired with a chemically resistant material as needed to maintain an impervious surface.

33. Badger Disposal may not store more than 10 pounds of each type of the dioxin precursors (e.g. chlorobenzenes, chlorophenols, phenol or U019 benzene) or dioxin containing wastes until the following procedures are completed and written approval is received from the Department.

a. Evaluate and, if necessary, revise the closure cost estimate to account for storing or treating increased quantities of dioxin wastes.
b. Increase the financial assurance if the revised closure cost estimate is greater than the amount of the existing closure financial assurance.
c. Submit the revised closure cost estimate and closure financial assurance to the Department for review and approval.

Specific Conditions – Existing Warehouse Building and the Addition

34. The storage of containers of nonhazardous waste is subject to the requirements stated in the solid waste license and chs. NR 500 to 555, Wis. Adm. Code.

35. Containers of hazardous waste liquids and lab pack drums shall be placed on spill pallets.

36. Containers of hazardous waste solids and lab packs may be stacked two high. Containers of hazardous waste liquids shall be stored on a single level.

37. Containers of nonhazardous waste and containers of hazardous waste may not be stored on the same spill containment pallet.

38. The containers shall be stored in the existing warehouse in the configuration depicted on drawing #05490-D1 dated 08/25/2006 except that containers of hazardous waste may not be stored in the two rows with no aisle space.

39. Containers of ignitable or reactive waste shall be located more than 50 feet from the property line except when containers are staged for loading or unloading onto a vehicle in the north loading dock (Dock #1). These staging activities shall be limited to the same calendar day as the waste delivery or pick-up day.

40. When containers are combined with other containers in the lab packs, the containers may not be opened. The contents of containers in the lab packs may not be combined with the contents of any other containers in the lab packs.

Specific Conditions – Construction of New Units

41. Badger Disposal may not treat or store hazardous waste in a newly constructed, modified or expanded portion of the facility until the following procedures are completed and written approval is received from the Department. Changes in the types of hazardous waste handled or in the processes or equipment used to treat, store or dispose of hazardous wastes are examples which may constitute a facility expansion or modification.

a. Badger Disposal shall notify the Department at least 30 days prior to initiating construction at the site.
b. The proposed hazardous waste storage or treatment units shall be constructed in accordance with the approved FPOR, this conditional approval, the container standards stated in ch. NR 664 subch. I and the tank and ancillary equipment standards stated in ch. NR 664 subch. J, Wis. Adm. Code.
c. If the proposed construction of the storage or treatment unit does not meet the specifications stated in the approved FPOR, a modification request shall be submitted to the Department in accordance with s. NR 670.042, Wis. Adm. Code.
d. Within 15 days after completing construction, a written statement shall be submitted to the Department certifying that the facility was constructed in substantial compliance with the approved FPOR or subsequent modification approval, as required by s. NR 664.0025, Wis. Adm. Code.

e. Technical data, such as design drawings, design specifications and engineering studies shall be certified by a registered professional engineer.
f. The Department has inspected the newly constructed units or waived the construction inspection.

42. Before operating any RCRA air emission control devices constructed after the issuance of this determination, Badger Disposal shall submit to the Department a letter signed by an authorized representative and a registered professional engineer. The letter shall state that the portions of the facility covered by this approval (including all air emission control devices required by this approval) have been constructed in compliance with the applicable conditions of this approval. The air emission control devices may not be operated until either:
a. The Department has inspected those portions of the facility and finds them in compliance with the conditions of this approval; or
b. The Department waives the inspection, if the inspection is not conducted within 30 days from the receipt of the certification.

43. The notification of construction for the bulk solids storage area shall include a description of the procedures that will be followed to assure compliance with the containment standards stated in s. NR 664.0175(3), Wis. Adm. Code.

44. Sufficient aisle space shall be maintained in the bulk solids storage area to allow for unobstructed movement of personnel and equipment in an emergency and to allow for inspections of the storage area.

45. F020, F021, F022, F023, F026 or F027 wastes may not be stored in the bulk solids storage area unless the containment requirements of s. NR 664.0175(2), Wis. Adm. Code, are met.

46. The following detailed information shall be included with the notification of construction for the tank farm:
a. Spill containment calculations for the proposed tank farm which clearly indicates adequate containment capacity for the volume of one storage tank and a 25 year, 24 hour storm (see page 1 of Appendix A in Appendix H of the March 2006 FPOR).
b. A revised plan for the tank farm loading/unloading pad which provides a minimum containment capacity for one 6,000 gallon tanker truck (see page 1 of Appendix A in Appendix H of the March 2006 FPOR).
c. A description of the monitoring that will be conducted regularly on the ancillary equipment (see page 5-2 of the March 2006 FPOR).
d. Specifications regarding containment and detection of releases, as required by s. NR 664.0193, Wis. Adm. Code.

47. Badger Disposal shall obtain and submit to the Department a written assessment for each new tank system or component, in accordance with s. NR 664.0192, Wis. Adm. Code, at least 30 days before the tank is used to store or treat hazardous waste.

48. The following detailed information shall be included with the notification of construction of the lab pack building:

a. Specifications for the liner used in the carbon steel storage tanks demonstrating chemical compatibility between the liner and the corrosive wastes stored in the tanks (see page 20 of Appendix K of the FPOR).
b. Specifications regarding containment and detection of releases, as required by s. NR 664.0193, Wis. Adm. Code.

49. All containers that are being unpacked in the lab pack bays shall be moved back into the licensed container storage areas in the lab pack building by the end of the calendar day. The drum into which wastes are being packed may remain in the lab pack bay and shall meet the container standards stated in subch. I of ch. NR 664, Wis. Adm. Code.

Dated: _____

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

_____
Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

_____
Sandra Miller
Waste and Materials Management Specialist
Licensing and Policy Review Coordinator

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
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June 29, 2007

Mr. Donald Gallo
Reinhart, Boerner, Van Deuren
P.O. Box 2265
Waukesha, WI 53187

File Ref: FID# 241384000
HW/LIC

Subject: Department Response to Your Comments on the Preliminary Determination to Conditionally Approve a Feasibility and Plan of Operation Report for the Hazardous Waste Storage and Treatment Facility at Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street, Milwaukee, Wisconsin
EPA ID# WID988580056

Dear Mr. Gallo:

The Department has reviewed your letter dated April 10, 2007 commenting on the Department's preliminary determination to conditionally approve a Feasibility and Plan of Operation Report for Badger Disposal of Wisconsin, Inc. (Badger Disposal) which operates a hazardous waste storage and treatment facility at 5611 West Hemlock Street in Milwaukee. Your written comments, submitted on behalf of EOG Environmental, Inc. (EOG), were received by the Department on April 11, 2007.

The Department met with you and representatives from EOG on February 5, 2007 to discuss the concerns EOG has regarding the hazardous waste operations at Badger Disposal. The issues discussed at the February 5, 2007 meeting were summarized in your letter dated February 6, 2007. You also sent a separate letter dated February 6, 2007 to Mr. Mark Drews of the WDNR Remediation and Redevelopment program. Since the February 6, 2007 letters were referenced and attached to your April 10, 2007 letter, the Department shall also address issues in your February 6, 2007 letters as part of this response. All of the significant issues raised in your April 10, 2007 letter and February 6, 2007 letters are addressed by the Department. The Department cannot enforce Federal regulations, so please note that the Federal hazardous waste code citations in your February 6, 2007 letter have been changed to the appropriate Wisconsin Administrative Code citations currently in effect in the State.

The Department granted your request to allow additional comments to be submitted by no later than May 16, 2007 due to the Department's delay in providing copies of documents to EOG. This letter serves as the Department's response to significant comments made in your May 16, 2007 letter, except for those comments that are the same or similar to those already stated in the February 6, 2007 and April 10, 2007 letters.

The actions taken by the Department in response to your comments are included as part of the response. Some of your comments resulted in the revision or inclusion of conditions stated in the FPOR preliminary or final determination. However, the Department does not believe that the comments warrant denying the re-issuance of the Badger Disposal hazardous waste operating license. Therefore, the final determination to conditionally approve the FPOR for the Badger Disposal storage and treatment facility is enclosed with this letter.

If you have any questions or concerns, please contact me at (414) 263-8694 or Sandy Miller at (920) 746-2884.

Sincerely,

Franklin Schultz
Waste and Materials Program Manager
South East Region

c: Henry Krier – Badger Disposal
Wen Huang – US EPA Region 5
Peter Flaherty – LS/5
John Melby – SER A/W Leader
Mark Drews – SER RR

Response to Comments on
Badger Disposal of Wisconsin, Inc.
Preliminary Determination to Conditionally Approve
A Hazardous Waste Storage and Treatment Facility
EPA ID# WID988580056

Objections to the preliminary determination

Comment 1. Badger is being rewarded with a 10-year renewal of its existing federal permit in spite of its horrendous environmental compliance record and being in obvious non-conformance with one of the key purposes of the federal Part B renewal system precluding facilities with over a year of continuing environmental non-compliance from continued operation.

Department response: Each of the alleged noncompliance issues listed in the February 6, 2007 letter is addressed below. During an evaluation of the inspection findings, the Department evaluates the seriousness of the violations found during compliance inspections as well as the overall compliance history of the facility being inspected. The Department believes that the compliance history at Badger Disposal does not warrant denying the re-issuance of the hazardous waste operating license.

Comment 2. Badger's existing facility simply cannot physically conduct fuels blending if all environmental regulatory requirements are met, especially if the first item below [security requirements] is properly enforced.

Department response: Alleged noncompliance with the security requirements is addressed in #5.a. and 5.b.

Comment 3. The WDNR has admitted in Item 1 of its January 18, 2007 letter to Mr. Powals that it has failed to properly enforce the environmental regulations. WDNR should now properly execute its legal responsibility and properly enforce all environmental requirements upon Badger.

Department response: As stated in the January 18, 2007 letter, the Department believes that the issue of the fence is better addressed via the current licensing activities rather than by enforcement. As explained in item # 5.a. and 5.b., Badger Disposal has demonstrated to the Department that they are maintaining an artificial barrier, including a fence in good repair, which completely surrounds the active portions of the facility. In doing so, the Department believes that Badger Disposal is in compliance with the security requirements stated in s. NR 664.0014, Wis. Adm. Code. In a letter dated May 31, 2007, Badger Disposal notified the Department that the fence will be moved onto Badger Disposal property. Condition #11 in the preliminary determination (#10 in the final determination) has been revised to require Badger Disposal to maintain the integrity of the fence that is not on their property until it is moved.

Comment 4. Existing and potential future situations at Badger are commingled in the FPOR, giving the incorrect impression that Badger is in compliance. The current Badger environmental non-compliant situation must be explicitly stated and potential future compliant situations provided in a separate addendum or appendix to the FPOR. The site plan by Spectrum shows

the Badger facility's property lines larger than currently authorized and no currently licensed PE stamp and signature is included on this or any other drawings.

Department response: Item #30 in the Department's May 16, 2006 notice of incompleteness stated that the FPOR should be revised to include a section that clearly states current operations. In their September 15, 2006 response to the notice of incompleteness, Badger Disposal created Section 7 of the FPOR which describes current operations at the facility. Information provided in Section 7 meets the requirements stated in ch. NR 664, Wis. Adm. Code. The Department has verified with Badger Disposal that they own the property as specified on the site plan maps provided in the FPOR. Appendix S of the FPOR dated March 17, 2006 includes a Wisconsin professional engineer certification of the FPOR by Ms. Renee Smits of Spectrum Engineering. The site plan referenced in your comment, believed to be drawing number 05490-SY1, was submitted as part of Badger Disposal's notice of incompleteness response dated September 15, 2006. Section NR 670.014(1), Wis. Adm. Code, effective on August 1, 2006, requires all technical data, such as design drawings and specifications to be certified by a professional engineer. A site plan is not considered technical data requiring certification by a professional engineer. No changes have been made to the FPOR determination.

Comment 5. The following non-compliant activities at Badger Disposal. [The code citations are as stated in your attached February 6, 2007 letter.]

Comment a. Improper fence location.
40 CFR 264.14(b)(2)(i & ii) = Note that the fence line requirement applies **on** the active portions of the TSD facility as the EPA regulation states and that one fence is incorrectly positioned by approximately 5 feet and the other is incorrectly positioned by approximately 50 feet where it is attached to the Megal Corporation building.*

Department response: Sections NR 664.0014(2)(b)1.and 2., Wis. Adm. Code, require the facility to have an artificial or natural barrier, which completely surrounds the active portion of the facility and a means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance or controlled roadway access to the facility). The Department has agreed with EOG that portions of the fence on the east side of the Badger Disposal property are on the Megal Corporation property. One portion of the fence on the Megal property includes a gate, as depicted in the photos you supplied.

The hazardous waste rules require the facility to have a barrier that completely surrounds the active portion of the facility rather than requiring the fence to be "on" the active portion of the TSD facility. Badger Disposal is using the fence and the side of the Megal Corporation building as artificial barriers to control entry to the active portions of the facility. Badger Disposal maintains control of the gate that is on the Megal Corporation property. The Department believes Badger Disposal is in compliance with the security requirements.

On May 31, 2007, Badger Disposal notified the Department that they intend to move the fence onto the property line. To assure security of the site until the fence is moved, condition #11 of the preliminary determination required Badger Disposal to immediately re-locate the fence if they can not assure the integrity and maintenance of that portion of the fence located on property owned by other than Badger Disposal. Condition #10 (previously #11) of the final FPOR

determination has been revised to require Badger Disposal to maintain the integrity of the fence until it is moved onto the Badger Disposal property.

Comment b. Uncontrolled fence security.
40 CFR 264.14(b)(2)(i & ii)
40 CFR 264.14(c)

Department response: Section NR 664.0014(3), Wis. Adm. Code, requires "Danger-Unauthorized Personnel Keep Out" signs to be posted at each entrance to the active portion of the facility and in sufficient number to be seen from any approach to the active portion of the facility. The photo IMG 2390.JPG and photos taken 9/29/06, 10/02/06, 10/03/06 and 10/04/06 that were attached to your February 6, 2007 letter indicate the signs are posted as required and Badger Disposal is in compliance with this requirement. No changes have been made to the FPOR determination.

Comment c. Hundreds of hazardous waste drums stored outdoors and outside containment on numerous occasions.
*40 CFR 264.176** = the "Comment" does not exclude Hazardous Waste, i.e. "dribble" **on** the sides of the containers, or, residues remaining **on** the top lids of containers, from the requirements of subpart I.*
40 CFR 264.193(a)
49 CFR Part 172
49 CFR 173.28
40 CFR 401.12(a), 125, and 400

Department response: Section NR 664.0176, Wis. Adm. Code, requires containers holding ignitable or reactive waste to be located at least 50 feet from the facility property line. The note in NR 664.0176 refers to NR 664.0017(1) for additional requirements. Section NR 664.0017(1), Wis. Adm. Code, states that precautions should be taken to prevent accidental ignition or reaction of ignitable or reactive waste.
Section NR 664.0193(1), Wis. Adm. Code, requires secondary containment for tanks to prevent the release of hazardous waste or constituents to the environment.
49 CFR Part 172 are Federal DOT requirements including the hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements.
49 CFR 173.28 are Federal DOT requirements for the reuse, reconditioning and remanufacture of packaging.
40 CFR 401.12(a) states that section 301(a) of the Act provides that "except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."
40 CFR 125 states criteria for the NPDES.
40 CFR 400 is a reserved section.

The Department has determined during inspections that the drums stored outside on the east side of the building are empty drums. Badger Disposal uses a vacuum pump and a wand to pump the material from small containers to totes or a tanker truck. Material left in the drum after pumping is a residue in an empty container and is not subject to hazardous waste regulation, as stated in s.

NR 661.07(1)(a), Wis. Adm. Code. Badger Disposal either stores the empty drums outside or in a semi trailer located outside. The empty drums are transported to a drum reclaimer.

The Department acknowledges that staining is present on the outside of some of the drums. The photographs supplied by EOG indicate that the staining on the outside of the drums does not continue onto the pallets and soils at the base of the pallets. The Department has not observed staining on the floor of the Badger Disposal storage facility or on the spill pallets used in the Badger Disposal storage facility. It is unclear if the spillage or overflow as indicated by staining on the drums occurred at Badger Disposal or at the generator site.

The Department has issued Tier II WPDES storm water permit coverage to Badger Disposal. After reviewing the information provided in your February 6, 2007 letter, the SER storm water program has determined that no additional storm water requirements are necessary.

To improve housekeeping practices at Badger Disposal, the Department added condition # 14 to the preliminary determination requiring empty drums to be stored under cover (in semi trailers, a building, etc.). Condition #13 (previously #14) is similarly stated in the final determination.

Comment d. Hundreds of hazardous waste drums stored outdoors and improperly labeled (if empty).
*40 CFR 264.176** - see above*
49 CFR part 172 – see above
40 CFR 401.12(a), 125, 400 – see above

Department response: An e-mail was sent to Mr. Richard Powals of EOG on November 15, 2006 with an attachment dated September 13, 1990 from RCRA On-line (www.epa.gov/rcraonline). The last paragraph of the enclosure to the September 13, 1990 EPA letter states, "It is also important to note that the shipment of empty containers which have held hazardous wastes may be registered under more stringent or additional State, local or Federal regulations. For example, under the Department of Transportation (DOT) regulations, a container which has held a hazardous material must be cleaned and purged of its contents before the hazardous material label can be removed (49 CFR 173.29)." Since the empty drums stored outside are to be transported to a drum reclaimer so they can be cleaned and purged of their contents, the Department will not take any further action on this issue since the labeling may be subject to additional DOT requirements.

Comment e. Unauthorized soils excavation.
40 CFR 264.193(a)
Part B permit

Department response: Section NR 664.0193(1), Wis. Adm. Code, states secondary containment standards for tanks. The tank standards are not applicable to the area east of the building where soils were excavated. No changes have been made to the FPOR determination.

Comment f. Contaminated soils excavation.
40 CFR 264.193(a)
40 CFR 264.196
40 CFR 264.197

Part B permit.

Department response: Section NR 664.0193(1), Wis. Adm. Code, states the secondary containment standards for tanks. Section NR 664.0196, Wis. Adm. Code, states how to respond to leaks or spills from tanks and the disposition of leaking or unfit-for-use tank systems. Section NR 664.0197, Wis. Adm. Code, states the closure and long term care requirements for tanks.

The tank standards, including secondary containment and response to leaks or spills, are not applicable to the area east of the building where soils were excavated. Closure and long term care requirements are not applicable since Badger Disposal has not closed their facility. This area has been evaluated as part of the corrective action process and the Department has determined that no investigation is required at this time. No provisions have been included in the preliminary or final determination as a result of this comment.

Comment g. Inadequate contaminated soils excavation sampling and analysis.
40 CFR 264.196
40 CFR 264.197
Part B Permit

Department response: The requirements of sections NR 664.0196 and 664.0197, Wis. Adm. Code, are described above. The soils excavated on the east side of the building at the end of September 2006 were placed on the Badger Disposal property. Badger Disposal took a sample for metals analysis prior to the excavation of the soils. Two samples collected by the Department on October 10, 2006 were analyzed for VOCs and PAHs. The samples were not taken as part of a soils investigation plan, but rather as a screening tool to determine if contamination was present to warrant further investigation. The samples were collected using clean stainless steel trowels and were each composited from 3 locations in the soil pile at a depth of about 4 inches. The samples were placed in sterile VOC vials, placed on ice and mailed to the State Lab of Hygiene where the samples were analyzed using appropriate test methods. Based on discussions with the RR program, the concentrations of metals, VOC and PAH concentrations in the excavated soils do not warrant further investigation or remediation. No changes have been made to the FPOR determination.

Comment h. August 17, 2005 Fire.
40 CFR 264.177

Department response: Section NR 664.0177, Wis. Adm. Code, states special requirements for incompatible wastes, including not placing incompatible wastes in the same container, not placing incompatible wastes in an unwashed container and separating incompatible materials.

The 4 waste types being bulked into the cubic yard box on August 17, 2005 were identified by the generator as D007 chromium floor sweepings; D004-D011 RCRA metals floor sweepings; D004-D011 RCRA metals carbon cartridge filters; and, furnace dust profiled as D006 cadmium and D008 lead waste. After adding the contents of the fourth container, the cubic yard box started to smoke and the contingency plan was initiated. The cubic yard box was moved outside using a forklift and the facility was evacuated. The Milwaukee Fire Department was called and successfully put out the fire. Badger Disposal determined that the container of furnace dust

generated by the braising of aluminum heat exchangers was incorrectly identified as a nonreactive waste. The furnace dust contained magnesium, which was not identified on the waste profile sheet and is likely the cause of the fire. Magnesium dust can be water reactive (D003 waste) or spontaneously combustible (D001 waste).

The FPOR states that Badger Disposal does not intend to mix incompatible wastes. To minimize or prevent this type of incident in the future, condition #22 in the preliminary determination (#21 in the final determination) has been revised to require bench scale testing during all blending and bulking operations.

Comment i. August 17, 2005 Fire verifying release.
40 CFR 264.193(a)
See Badger report

Department response: Section NR 664.0175(2), Wis. Adm. Code, requires secondary containment of at least 10% of the volume of the containers, which Badger Disposal maintains in their licensed container storage facility. As stated above, the emergency response was to move the smoking container out of the licensed storage area. The area outside of the building is not part of the licensed storage facility and secondary containment requirements do not apply. The Department acknowledges that no secondary containment exists in the area where the container was taken. Additional soils investigation is being required in the area impacted by the fire.

*Comment j. Inadequate Badger Personnel Experience and Training as additionally verified by aforementioned fire*** = Note that there are no degreed chemists or chemical engineers on-site or anyone with technical knowledge regarding chemistry related to fuel blending activities.*
40 CFR 264.16(a)(2) & (b)

Department response: Section NR 664.0016(2), Wis. Adm. Code, states that new employees shall be trained in 6 months and not perform duties unattended until they receive the training. The FPOR states that employees are to be trained within 6 months and are supervised until they complete the training program. The Department routinely verifies during inspections that new employees complete the training program before they work independently. Badger Disposal's training plan states that the approvals coordinator and general manager are to have at least a B.S. in chemistry or a related field and the laboratory technician is to have at least an associate's degree in chemistry. Qualifications for the approvals coordinator, general manager and lab manager include degrees in environmental science, chemical technology or biology. No changes have been made to the FPOR approval as a result of this comment.

Comment k. Inappropriate mixing of wastes as additionally verified by aforementioned fire
40 CFR 264.177(a).

Department response: Section NR 664.0177(1), Wis. Adm. Code, states that incompatible wastes may not be placed in the same container unless precautions are taken to prevent accidental ignition or reaction. The FPOR states that Badger Disposal does not propose to mix incompatible waste. As stated in comment 5.h., #22 in the preliminary determination (#21 in the final determination) requires bench scale testing during all blending and bulking operations to prevent incompatible wastes from being placed in the same container.

Comment l. Temporary Authorization for fuel blending.
*40 CFR 264.176** = Note that the "Comment" does not exclude hazardous waste, i.e. "dribble" **on** the sides of the containers, or residues remaining **on** the top lids of containers, from the requirements of subpart I.*

Department response: Section NR 664.0176, Wis. Adm. Code, states that containers holding ignitable or reactive waste shall be at least 50 feet from the property line. The containers stored outside on the east side of the building are empty containers resulting from wastes being pumped into the tanker truck during fuel blending operations. The tanker truck is parked inside the storage building, which complies with the 50 foot setback requirement. The empty containers are not subject to hazardous waste requirements and therefore the 50 foot setback does not apply. No changes were made in response to this comment.

Comment m. Poor condition drums in 12.07.06 CAR Report.
40 CFR 264.171

Department response: Section NR 664.0171, Wis. Adm. Code, states that if a container is in poor condition or begins to leak, the contents will be transferred to a container in good condition. Since EPA was the lead regulatory agency during the December 7, 2006 inspection, alleged RCRA violations are addressed in EPA's notice of violation dated April 27, 2007. No changes were made in response to this comment.

Comment n. pH = 1.0 material in steel drum in 12.07.06 CAR Report.
40 CFR 164.172

Department response: Section NR 664.0172, Wis. Adm. Code, requires the container to be made of materials that are compatible with the waste. Since EPA was the lead regulatory agency during the December 7, 2006 inspection, alleged RCRA violations are addressed in EPA's notice of violation dated April 27, 2007. No changes were made in response to this comment.

Comment o. Manifest discrepancies in 12.07.06 CAR Report
40 CFR 264.72

Department response: Section NR 664.0072, Wis. Adm. Code, requires the TSD to resolve manifest discrepancies with the generator. If they are not resolved in 15 days, a discrepancy report is to be submitted to the Department. This issue has been addressed by EPA since it was discovered during a federal lead inspection. The procedures that Badger Disposal will follow regarding manifest discrepancies are discussed in Section 7 of the Feasibility and Plan of Operation Report. No changes have been made as a result of this comment.

Comment p. Aisle space violations in 12.07.06 CAR Report
40 CFR 264.35

Department response: Section NR 664.0035, Wis. Adm. Code, requires aisle space to allow the unobstructed movement of personnel and emergency equipment during an emergency. The layout of the containers in the storage area, as referenced by the Department in the April 19, 1996 conditional FPOR approval, allows Badger Disposal to store two rows of palletized drums right next to each other with no aisle space, resulting in 4 drums across. As documented in the

12/07/06 case activity report, Badger Disposal representatives were notified that the FPOR preliminary determination would require either adequate aisle space between these palletized rows or only allow solid waste to be stored in the double palletized rows. Condition # 38 of the FPOR preliminary determination states that Badger Disposal shall store containers in the existing warehouse in the configuration depicted on drawing #05490-D1 dated 08/25/2006 except that containers of hazardous waste are not to be stored in the two rows with no aisle space. No changes have been made to the final determination.

Comment q. Failure to include all waste codes in the Operating Record in 12/07/06 CAR Report
40 CFR 264.73

Department response: Section NR 664.0073, Wis. Adm. Code, states that a description and the quantity of each hazardous waste received shall be kept in a written operating record. The Case Activity Report describes the findings of the 12/07/06 inspection, including the information kept as part of the operating record. Issues discussed during the inspection regarded the accuracy and completeness of the information provided in the operating record. No changes have been made in response to this comment.

Comment r. Continuing Badger EPA ECHO Non-compliances Report
www.epa.gov/echo

Department response: The ECHO report indicates Badger Disposal has continuing violations that were discovered during the time period April 2005 to September 2006. Department records indicate that Badger Disposal has corrected the violations that occurred during that time period. No changes were made in response to this comment.

Other issues raised in the February 6, 2007 letter

Comment 6. Consider the [Gallo] letter as a written comment objecting to WDNR's granting a 6-month extension to Badger Disposal's temporary treatment license based on continuing non-compliance activities.

Department response: As described above, the Department believes that some of the comments provided in the Gallo letter warrant some revisions to the FPOR approval, but do not warrant a denial of the re-issuance of the temporary authorization. The temporary authorization approval was re-issued on February 13, 2007.

Comment 7. EOG is concerned that Badger has been less than forthright in reports to the Department since Mr. Krier told Ms. Miller that the August 17, 2005 fire occurred in the concrete truck well, not on the uncontained abraded asphalt on the east side of the Badger building.

Department response: Badger Disposal supplied information on the August 17, 2005 fire in the incident report dated August 24, 2005. The report doesn't clearly indicate the location of the container when it was taken outside. Badger Disposal identified the affected area in a letter dated March 27, 2007. No changes were made as a result of this comment.

Comment 8. EOG is concerned that Badger has been less than forthright with the Department since Badger did not inform WDNR about excavation of the soils in the runoff area.

Department response: The area of soils that were excavated on the east side of the building are not located in a licensed area of the facility and are not identified in a corrective action unit. Badger Disposal is not required to notify the Department of excavation activity in this area. No changes have been made as a result of this comment.

Additional issues raised in the February 6, 2007 letter to Mr. Mark Drews, SER Remediation Program:

Comment 9. Potentially contaminated soils were improperly excavated from the run-off area from the palletized drum storage area without prior written approval of Corrective Action and without prior appropriate soil sampling. The soils were stockpiled on another portion of the site creating yet another potential RCRA Corrective Action area.

Department response: The area to the east of the building has not been identified as an Area of Concern or a Solid/Hazardous Waste Management Unit under corrective action authority. Nor is it a licensed hazardous waste unit. Based on a site plan dated August 25, 2006 submitted by Badger Disposal on February 7, 2007, surface water on the east side of the building would drain towards a storm water catch basin (CB-2) north of the building and would not flow towards the area where soils were excavated east of the building. Therefore, the soils that were excavated should not be affected by storm water run-off from the area immediately east of the building. No changes have been made as a result of this comment.

Comment 10. The sampling of the soil pile was inappropriate, resulting in inaccurate VOC data. The Remediation and Redevelopment Program should reconsider their review of the misleading data and require further testing in this run-off area.

Department response: After evaluating the soil sample results, observations and findings noted during compliance inspections and the history of operations at the site, the Department does not believe that evidence of releases on the east side of the building exists. Without such evidence, it is not anticipated that discharges to the environment have occurred for VOCs. If additional information is presented to the Department which indicates releases have occurred, the Department will evaluate the information and determine if site investigation activities are appropriate. Condition #6 of the preliminary determination states the Department may require corrective action. No further changes have been made to the FPOR determination.

Comment 11. The DNR should reconsider their review of the misleading data generated and require further testing. If DNR does not agree with this, EOG will request a General Liability Clarification Letter.

Department response: The Department has reconsidered its position on this matter and concludes that soils investigation in the area east of the building is not warranted. EOG Environmental may request a General Liability Clarification Letter from the Department by submitting the required information and fee to the DNR Milwaukee office (see publication RR-619 at www.dnr.state.wi.us/org/aw/rr/). EOG may also consider requesting an Off-Site Liability Exemption for their site; however, soil and/or groundwater samples would need to be provided

to the Department indicating that Badger Disposal caused a release to the EOG property. No changes have been made to the FPOR determination.

Additional issues raised in the May 16, 2007 letter to Mr. Wen C. Huang of U.S. EPA Region 5 and Ms. Sandy Miller of WDNR:

Comment 12. Badger's closure cost, provided under its proposed permit expansion, is less than half of an accurate cost figure, due to incorrect drum freight pricing and exclusion of certain costs that should have been included. If Badger is allowed to expand its storage to 69,795 drum gallons and 61,000 bulk gallons, then its closure cost actually would be at least $316,986. The submittal does not provide any closure cost for PCBs and dioxin wastes.

Department response: Any applicable financial responsibility requirements related to the storage of PCB wastes would be found in Chapter NR 157, Wis. Adm. Code, and 40 CFR 761. The Part A of the FPOR indicates that small quantities (10 pounds) of dioxin wastes are handled at Badger Disposal. Condition # 33 has been added to the final FPOR determination to limit the quantity of dioxin wastes to 10 pounds each. The condition requires the closure cost estimate to be evaluated and the financial assurance adjusted, if necessary, when larger quantities of dioxin wastes are managed at Badger Disposal.

Comment 13. November 16, 2006 storm water data states pH of 8, 7.6 and 8. These levels are basic, not neutral and may warrant additional testing or pH adjustment.

Department response: Based on discussions with storm water program staff, these pH results are considered normal. No changes have been made in response to this comment.

Comment 14. As stated in a December 19, 2006 letter from Hellenbrand to Schmit, Badger must correct its wording.

Department response: The new wording is the result of changes to the hazardous waste code which were effective on August 1, 2006. The language in the letter of credit for closure has been updated. A revised liability endorsement has also been submitted to the Department and is under review by DNR central office staff in Madison. No changes have been made as a result of this comment.

Comment 15. Badger has stated repeatedly that on February 9, 2006, Badger received authority from EPA to store PCB wastes. However, on January 31, 2007, the EPA stated that Badger should contact it to obtain a permit for storing PCB wastes.

Department response: For clarification, the Department issued a conditional approval for storing PCB wastes on February 9, 2006. PCBs are regulated under the Federal Toxic Substance and Control Act rather than under the Department's hazardous waste rules. No changes have been made as a result of this comment.

Comment 16. Badger has failed to include in any one place a complete list of their acceptable & approved waste codes (i.e. "numbers"), including dioxin precursors, dioxin containing wastes and PCBs.

Department response: The Part A, submitted as Appendix A of the FPOR lists the waste codes for dioxin containing wastes and dioxin precursors, including various chlorophenol and phenol compounds, chlorobenzene and benzene. PCBs are not subject to RCRA rules and should not be listed on the Part A. Condition # 17 requires Badger Disposal to store or treat only hazardous wastes bearing the waste codes listed in the Part A application. No further action will be taken.

Comment 17. Badger Disposal is expanding an existing facility to include a new Tank Farm and Buildings not yet built.

Department response: The April 19, 1996 FPOR determination issued by the Department to EOG Disposal, Inc. conditionally approved the storage and treatment of hazardous waste in tanks, a lab pack building, lugger box storage areas and an addition to the existing storage building. Since Badger Disposal has proposed the same operation as described in the FPOR approved by the Department in April 1996 and is not proposing to increase the storage or treatment capacity of the facility, the approval of the same proposed units is not an expansion of their operations. The approval allows the construction of these units according to the specifications stated in the FPOR. Condition # 41, which states the procedures Badger Disposal is to follow for newly constructed units, has been revised to clearly state that Department approval is necessary before operating a newly constructed unit.

Comment 18. Numerous documents in the Badger public file for Badger's FPOR are not in Badgers name (they are in the name of "EOG Disposal, Inc.").

Department response: The Department included this issue as item # 28 in the May 16, 2006 Notice of Incompleteness. In response, Badger Disposal has clearly indicated that all maps, sheets and text reflect operations at Badger Disposal in Section 1, page 1-1 and in the Table of Contents. New maps or diagrams required to supplement the FPOR are identified as being for Badger Disposal. The Department determined this was an adequate response since the FPOR is essentially the same as the one submitted under the previous owner, EOG Disposal. No changes were made as a result of this comment.

Comment 19. There are numerous obvious inaccuracies and omissions, such as no report of the Waste Facility Siting Board in Badger's public file.

Department response: Appendix L of the FPOR includes documents related to the local plan approval process, including an October 5, 2005 letter from the Waste Facility Siting Board stating that Badger Disposal should continue to seek state approval of the hazardous waste facility. No changes were made as a result of this comment.

Comment 20. Failure to separate incompatible hazardous waste inside the Badger facility

Department response: Section NR 664.0177, Wis. Adm. Code, states special requirements for incompatible wastes. The method of validation for this comment is a photo of 06.12.03. In reviewing the 06.12.03 photos, it appears this might be in reference to a photo depicting a container with a flammable label stored next to a container with a corrosive and flammable label. There is not enough information provided in this photo to substantiate that incompatible wastes were stored next to each other in the Badger Disposal facility. No changes were made as a result of this comment.

Comment 21. Failure to preclude hazardous waste constituents discharge to the sewer system.

Department response: Section NR 664.0175(2)(d), Wis. Adm. Code, requires run-on into the containment system to be prevented unless there is sufficient excess capacity. Drums stored outside are empty and are not subject to hazardous waste container standards. Condition # 14 in the preliminary approval requires Badger Disposal to keep empty containers under cover or shelter. No further action has been taken in response to this comment.

Comment 22. Badger wrote to the WDNR about beginning construction. However, Badger does not have a permit to do so.

Department response: The April 19, 1996 FPOR determination approves a newly constructed addition to the existing warehouse building. This specific hazardous waste unit will be included in Badger Disposal's license if the Department determines that the addition has been built according to the approved FPOR, the conditions of approval and the requirements of chs. NR 660 to 670, Wis. Adm. Code.

BEFORE THE STATE OF WISCONSIN
NOTICE OF INTENT TO RE-ISSUE A HAZARDOUS WASTE
OPERATING LICENSE TO
BADGER DISPOSAL OF WISCONSIN, INC. FOR A
HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY
EPA ID#: WID988580056

NOTICE IS HEREBY GIVEN, pursuant to s. NR 670.415(2), Wisconsin Administrative Code, that the Department of Natural Resources (Department) intends to re-issue the hazardous waste operating license for a hazardous waste storage facility at Badger Disposal of Wisconsin, Inc. (Badger Disposal) located at 5611 West Hemlock Street in Milwaukee, Wisconsin. Badger Disposal also fuel blends hazardous waste, which was previously approved by the Department as a recycling exemption, but is now subject to the treatment facility licensing requirements due to a change in Wisconsin's hazardous waste rules. Therefore, Badger Disposal will also receive a treatment license for the same fuel blending activities previously allowed by the Department recycling exemption approval. Badger Disposal is not changing their waste management activities; rather, the Department is changing administrative authority to regulate the fuel blending activity.

The Department made a preliminary determination to conditionally approve the Feasibility and Plan of Operation Report for the continued operation of the storage and treatment facility on February 28, 2007. Some revisions were made to the preliminary determination as a result of comments received during the public comment period. The Department made a final determination to conditionally approve the Feasibility and Plan of Operation Report on June 29, 2007. If operated in conformance with the approval, the storage and treatment facility is expected to be in compliance with the applicable hazardous waste rules and therefore, the license can be re-issued.

The license re-issuance is for the storage of 69,795 gallons of hazardous waste in containers and 61,000 gallons of hazardous waste in tanks. Fuel blending activities are currently conducted by pumping waste from containers into a tanker truck. Badger Disposal proposes to construct a 2,000 gallon fuel blending tank which will supply waste to the hazardous waste storage tanks.

The U.S. Environmental Protection Agency will issue a permit to Badger Disposal to address the storage and treatment of certain waste types, land disposal restriction requirements and applicable organic air emissions from the hazardous waste storage and treatment units.

Dated at Milwaukee, Wisconsin on June 29, 2007

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
for the Secretary

_____

Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

1. This Class 1 Public Notice is to be published in 2 newspapers:

   Wisconsin State Journal
   1901 Fish Hatchery Road
   Madison, WI 53713

   Milwaukee Journal Sentinel
   333 West State Street
   Milwaukee, WI 53203

2. Date of Insert: July 24, 2007

3. Charge Number

Checkbook	Org.	Appro.	Activity
274	WATC	2754	WAHL

4. Send Tear sheets to: Sandy Miller, DNR Sturgeon Bay Service Center, 110 S. Neenah Avenue, Sturgeon Bay, WI 54235

Contact: Sandy Miller at 920-746-2884 or sandy.miller@wisconsin.gov

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
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TTY 414-263-8713

DRAFT

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

File Ref: FID# 241384000
HW/LIC

Subject: Renewal of License # 6026 for Storage of Hazardous Waste in Containers
Issuance of License # XXXX for Treatment of Hazardous Waste in Containers
Badger Disposal of Wisconsin, Inc.
EPA ID# WID988580056

Dear Mr. Krier:

With the issuance of this letter, the Wisconsin Department of Natural Resources is confirming that the relicensing of the Badger Disposal of Wisconsin, Inc. hazardous waste container storage unit, license number 6026, is complete. On July 24, 2007, a notice of intent to license was published in the Wisconsin State Journal and the Milwaukee Journal Sentinel.

The Department is also issuing a new license # XXXX for hazardous waste treatment in containers. This license replaces the conditional approval for legitimate recycling exemption issued by the Department on August 23, 1996 and the temporary authorization issued by the Department on February 13, 2007. The hazardous waste treatment license allows fuel blending in a 6,000 gallon tanker truck. As stated in condition #18 of the June 29, 2007 Feasibility and Plan of Operation Report approval, the 6,000 gallons counts toward the maximum storage capacity of 39,600 gallons of hazardous waste.

Hazardous waste licenses are issued and regulated under the provisions of chs. NR 660-670, Wis. Adm. Code. This hazardous waste license requires compliance with chs. NR 660-670, Wis. Adm. Code, the feasibility and plan of operation report, the June 29, 2007 feasibility and plan of operation report conditional approval, and all subsequent plan modifications issued by the WDNR.

You may continue to apply for renewal of the license annually, for a period of up to ten (10) years from August 1, 2007, the official date of the re-issued operating license (August 1, 2007 + 10 years = August 1, 2017). If you plan to continue to operate the licensed units at this facility following the end of the ten year period, you are required to submit all reports and plans necessary for re-issuance of the revised operating licenses at least 180 days prior to the 10-year

anniversary of the revised operating licenses. To facilitate timely re-issuance, submission of the necessary reports and plans at least one year prior to the 10-year expiration date is recommended.

If you have any questions or concerns, please contact Sandy Miller at 920-746-2884, or sandy.miller@wisconsin.gov or contact me at 414-263-8694, or frank.schultz@wisconsin.gov.

Sincerely,

Franklin C. Schultz
Waste and Materials Management Manager
Southeast Region

cc: Pat Chabot/Dave Kollasch - WA/3
Wen Huang - U.S. EPA Region 5
SER HW/LIC File

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May 17, 2007

Donald P. Gallo, Esq., P.E.
Direct Dial: 262-951-4555
dgallo@reinhartlaw.com

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Wen C. Huang, P.E.
Waste Management Branch
DW-8J
U.S. EPA Region 5
77 West Jackson Blvd
Chicago, IL 60604

Ms. Sandy Miller
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Dear Mr. Huang and Ms. Miller: Re: Preliminary Determination regarding Badger Disposal Facility

In addition to our prior written comments of April 10, 2007 and May 16, 2007, we provide this summary of key issues which the Wisconsin Department of Natural Resources ("WDNR") should consider before issuing their determination regarding hazardous waste operations license removal of the Badger Disposal facility and information regarding suspicious facility operations outside planned business hours as stated in the facility's Plan of Operation.

In summary, the primary concerns relating to renewal of the operating license of the Badger Disposal facility are:

1. The closure cost estimate and correlative financial responsibility has been considerably underestimated. A more accurate estimate is close to $500,000.

2. There has been a history of misinformation and misrepresentation regarding hazardous waste releases, plan of operation and deception regarding storm water run-off and soil impacts by hazardous waste which has been misrepresented or intentionally not reported to the WDNR until pictures of hazardous waste drums stored outside without secondary containment with waste residue exposed to the elements were presented to the WDNR. Also, the hazardous waste metals fire incident firefighting water runoff permitted surface water contaminated with hazardous waste residue to flow off of asphalt pavement into the soil at the Badger facility. This soil was then excavated (under the Federal and State mixing and derived from rules, these soils materials are hazardous waste). This hazardous waste soil was then stockpiled without cover on an open area of the facility. There are now two (2) hazardous waste corrective action areas on the Badger Disposal facility which have not been addressed and are in violation of both State and Federal laws.

   The WDNR then conducted an incompetent sampling of the hazardous waste soil pile and has relied upon the results. The WDNR, however, misses the standard with respect to these impacted soils. For example, once the soils are impacted via runoff by hazardous waste, the soils become impacted with hazardous waste and via "mixing" and "derived from" are deemed hazardous waste until and unless the facility operator proves by laboratory testing that the soils are "contained out." The Badger Facility has two (2) corrective actions which need to be addressed. Renewing and extending hazardous waste licensing for this facility in light of these unabated corrective action areas would be both inappropriate and would evidence disregard by the WDNR for on-going non-compliance at the Badger facility.

3. Badger's operations plan and procedures are not current and Badger is not following their operations plan such as having a qualified degree chemist making certain waste decisions as stated in their plan.

4. Badger has had a history of non-compliance items that have not been enforced nor correction monitored by the WDNR.

5. There continues to be suspicious activity at the Badger facility outside of normal hours of operation (8:00 a.m. to 5:00 p.m. weekdays) as stated in their Plan of Operation. For example, a hazardous waste box trailer (EnvroVac), license number PM 8434, sat outside of Badger's facility on the public street during the evening of May 16, 2007 from 10:30 p.m. until 12:30 a.m. the morning of May 17, 2007 with the engine idling and no driver inside the cab. Lights were on at the Badger facility and a car was parked inside the Badger fence. Badger should explain to the WDNR what activities were taking place in the middle of the night outside of stated hours of operation.

Photos will be provided on May 18, 2007 which document this unusual and suspicious activity.

Yours very truly,

Donald P. Gallo

Donald P. Gallo

Waukesha\51601DPG:TMS

cc Mr. Paul Little
Mr. Michael C. Vilione
Richard J. Powals, P.E.

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May 16, 2007

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CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Wen C. Huang, P.E.
Waste Management Branch
DW-8J
U.S. EPA Region 5
77 West Jackson Blvd
Chicago, IL 60604

Ms. Sandy Miller
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Dear Mr. Huang and Ms. Miller:

Re: Preliminary Determination regarding Badger Disposal Facility

I am writing, on behalf of EOG Environmental, Inc. ("EOG"), to follow up on my April 10, 2007 letters to the U.S. Environmental Protection Agency (the "EPA") and the Wisconsin Department of Natural Resources (the "WDNR") providing comments (as further described in the letters) on the agencies':

> Preliminary Determination to Conditionally Approve a Feasibility and Plan of Operation Report for a Hazardous Waste Storage and Treatment Facility at Badger Disposal of Wisconsin, Inc. ("Badger"), 5611 West Hemlock Street, Milwaukee, Wisconsin -- EPA ID# WID988580056 (the "Facility") and Preliminary Determination to Issue Federal Permit for a Hazardous Waste Storage and Treatment Facility at the "Facility" (collectively, the "Preliminary Determination")

The purpose of this letter is to provide additional comments on the Preliminary Determination to both the EPA and the WDNR, pursuant to 40 C.F.R. Sections 124.11 to 124.13 and Wisconsin Administrative Code section NR 670.411. These additional comments are submitted via separate correspondence, because the WDNR did not provide EOG with the opportunity to review certain WDNR files regarding the Facility until April 19, 2007 (and the WDNR did not provide copies of such files to EOG until April 30, 2007). Therefore, EOG was not able to review several critical documents until after I submitted EOG's April 10, 2007 comments.

EOG's additional comments are set forth below and fall into five general categories: (1) Badger's submittals are misleading or incomplete; (2) the WDNR should have initiated enforcement action against Badger, and Badger's noncompliance should preclude approval of the Preliminary Determination; (3) EOG has additional objections to the Preliminary Determination; (4) EOG is providing state and federal citations in support of the listing of Badger's noncompliance that I provided on April 10, 2007; and (5) EOG has additional comments.

1. Badger's submittals are misleading or incomplete. EOG believes that Badger has made numerous misleading, incorrect and/or incomplete statements and submittals (to the EPA and the WDNR) regarding the Facility. These inaccuracies significantly impair the ability of the EPA, the WDNR, and the public to accurately assess the Preliminary Determination and the Facility. For example:

- A Part B Renewal must state the existing situation and include an appendix/addendum anticipating the expectation for the future. Badger's juxtaposition of current and future conditions results in misleading statements that ignore its past violations, fires and releases. A May 9, 2006 WDNR (Ms. Miller) e-mail acknowledges that it is "very difficult" to know what is going on at the site versus what is proposed.

- Badger's closure cost, provided under its proposed permit expansion, is *less than half* of an accurate cost figure, due to incorrect drum freight pricing and exclusion of certain costs that should have been included. For example, Badger's November

14, 2006 submittal provides an incorrect drum freight rate of $300 per (local) trip, contrary to the federal regulatory requirements. (For comparison purposes, EOG's drum freight weight is $2000 per trip to Missouri.) Confirmation of disposal prices was not provided at all in the form of vendor price quotes. Badger's error adds approximately $10,200 to the total costs. However, if Badger is allowed to expand its storage of hazardous wastes to 69,795 drum gallons and 61,000 bulk gallons, then its closure cost actually would be at least $316,986, not $155,088 (without inflationary factors). Moreover, although Badger stores PCBs and "dioxin" waste (F20 series), the November 14, 2006 submittal does not provide any closure cost for these substances, contrary to federal regulatory requirements and the current cost for disposal of each "dioxin" waste drum at the only facility in North America authorized to dispose of it is currently $4,000 per drum. At $4,000 per drum, the actual closure cost could easily approach $500,000.

- November 16, 2006 stormwater data states that the pH of the last three samplings was 8, 7.6, and 8. These levels are basic, not neutral and may warrant additional testing or pH adjustment.

- As stated in a December 19, 2006 letter from Hellebrand to Schmit, Badger must correct its wording.

- Badger's December 22, 2006 letter to the WDNR incorrectly states that "[t]he existing facility is designed so that all waste storage, processing and handling activities are conducted within an enclosed building". EOG has provided to the WDNR numerous photographs of Badger storing hazardous waste drums outdoors with no outside secondary containment (there is no curbing on Badger's abraded asphalt), and of Badger conducting handling activities outside the building (the vacuum truck used for fuel blending is not located within an enclosed building).

- Badger's December 26, 2006 letter to the WDNR (regarding "Updated Rejection Procedure FPOR") contains the following erroneous statements:

Erroneous statement	**Reason statement is erroneous**
"[l]ab packs are only re-packed by facility Chemists"	Badger does not employ any degreed chemists.
"[o]nly organic solids with little or no volatility and inorganic solids are bulked"	Badger's own report of its August 17, 2005 fire records note that auto-ignitable metals have been bulked.
". . . the empty drum is moved to a storage trailer where it will be shipped off site for reclamation"	Photographs corroborate and WDNR CARs acknowledge that on numerous occasions Badger has stored hazardous waste drums and "empty" drums outdoors outside without secondary containment.
"[a]ll facility personnel are required to successfully complete the training program within 6 months after the date of their employment"	Federal regulations require such training to have been provided before anyone is allowed to become an operator in a hazardous waste management facility.
"Badger Disposal is an existing facility, not newly constructed"	If Badger is allowed to expand its facility with a to-be-constructed new building/tank farm/etc, then such facility must be certified by a licensed Professional Engineer, and it is not clear that all engineering drawings in the FPOR have been certified by a Professional Engineer or are current. Additionally, the FPOR is outdated.
Badger states that "[t]he elements of this Contingency Plan are followed during fuel blending operations"	These elements should be followed during any and all operations.
Badger states that "[s]uch a release incident has not occurred during the history of the existing facility"	Badger's August 17, 2005 release report and subsequent lab tests are objective evidence of a release.

- Badger has stated repeatedly that on February 9, 2006, Badger received authority from EPA to store PCB wastes. However, on January 31, 2007, the EPA stated that Badger should contact it to obtain a permit for storing PCB wastes.

2. The WDNR should have initiated an enforcement action against the Facility. The WDNR has failed to enforce its hazardous waste requirements against Badger, significantly increasing the likelihood that the Preliminary Determination will be affirmed, despite Badger's continuing violations. The WDNR should not approve the Preliminary Determination, due to the Facility's noncompliance and the fire at the Facility.

- Although Badger's September 15, 2006 response to the WDNR's Notice of Incompleteness acknowledges that the WDNR identified numerous Badger violations, the WDNR does not state that they are violations and has not enforced the violations. Rather, the WDNR has simply stated that it would address the issues during the permit renewal process.

- The WDNR's file contains or omits information regarding Badger's violations, including, but not limited to:
    - The August 3, 2006 complaint/information record includes Badger's own report of its August 2005 fire
    - The August 3, 2006 complaint/information record does not include a letter from Attorney Pam Gergens (regarding Amber Oil), even though EOG included it with all of the photos on August 3, 2006
    - The May 11, 2006 photo evidences the lone drum on its side outside of building, not in secondary containment extending partially off the Facility property (this evidence of violation was used to correct the EPA's ECHO report)
    - The August 16, 2006 City of Milwaukee Storm Water Field Screening report records a high pH of 8.0.

- On November 21, 2006, Richard Powals, of EOG, e-mailed the WDNR with a listing of various Badger violations, but the WDNR did not take enforcement action with regard to these violations.

- In a December 22, 2006 letter to Mr. Powals, Mr. Schultz (of the WDNR) refused to address Badger's continuing fence location and security violations on the grounds that they could be resolved during the on-going review of Badger's re-licensing request. The WDNR failed to take action on the violations, despite photographic evidence that Badger stored hazardous waste drums outdoors and not within secondary containment. WDNR's soil sampling was significantly technically flawed; please include my letter of February 6, 2007 to Mr. Mark Drews/WDNR regarding why the WDNR's soil sampling was technically flawed with this comment.

- Although the WDNR's January 2, 2007 CAR to the file states that containers with ignitable or reactive waste should not be placed within 50 feet of the west property line, it fails to address Badger's 50 foot violation on the east side of the Facility.

- The WDNR's January 18, 2007 letter to Mr. Powals appears to abdicate the agency's enforcement responsibilities, stating that WDNR does not feel that Badger's violations are significant enough to pursue via enforcement and that "the issue" can be resolved during the re-licensing process. The WDNR's failure to accept photographic evidence of hazardous waste violations is particularly difficult to justify, given that both the WDNR and the EPA have actually taken measures to correct compliance records based on photographic evidence in the past.

- EOG has sent numerous letters to the WDNR (see, for example, January 21, 2007 letter from Mr. Powals to Mr. Schultz) regarding Badger's noncompliance status.

- The WDNR's February 5, 2007 CAR to the file is too brief and does not include all topics discussed during the meeting (for example, it does not include discussion of the illegally positioned fence).

- The WDNR did not request information from Badger regarding the August 17, 2005 fire until February 6, 2007 and March 1, 2007

- On February 6, 2007, the WDNR sent Badger a "Return to Compliance Letter", despite the fact that Badger has been in continuous non-compliance with environmental requirements for 2 years.

- A February 20, 2007 letter from the WDNR to me evidences that the WDNR still has not taken any enforcement action regarding Badger's 20 types of hazardous waste management violations.

- Badger is in noncompliance with its existing federal permits and the related draft provisions (I.E.6, I.E.10, I.E.12, I.E.14.b, I.J.3, II.A.4, III.A.1)

- Although a March 22, 2007 WDNR press release states that the Facility "has operated without a major incident and no expansion or operational changes are proposed, a preliminary determination has been made reaffirming that decision." But, the Aug 17, 2005 fire is a "major incident" (the Facility had to be evacuated) and both an expansion and operational changes are proposed.

3. Additional objections. In addition to the objections set forth in my April 10 letters, EOG has the following objections to the Preliminary Determination. Badger is being **rewarded** with a 10-year renewal of its existing federal permit **in spite** of the following facts:

- numerous documents (such as the Contingency Plan and PA/VSI) in the Badger public file for Badger's FPOR are not in Badger's name (they're in the name of "EOG Disposal, Inc.") and furthermore, various engineering drawings fail to include a currently licensed P.E seal & signature

- Badger has failed to include in any one place a complete list of their acceptable & approved waste codes (i.e., "numbers") and this is particularly important because Badger apparently wishes to handle & store **dioxin precursors and dioxin containing wastes** ("F20 series" wastes) **and PCBs** ("Polychlorinated Biphenyls") even though their EPA ECHO Report indicates that Badger has been in **environmental non-compliance with EPA's regulations for at least 75% of the time over the last two years**

- Badger's Closure Cost Estimate incorrectly reflects Badger's existing permit authorized volumes, *not* Badger's future requested facility volumes and as a result, both the Closure Cost Estimate and concomitant Financial Assurance are in error by over a factor of two (2)

- numerous errors in the documents which have gone uncorrected by the WDNR even though WDNR's 09.15.06 "Notice of Incompleteness" identifies *some* of them and which are deliberately misleading plus being propitious for Badger and which exist throughout the Badger FPOR and other referenced documents such as Badger's statement that "Lab packs are only re-packed by facility Chemists", when in fact, neither Badger's facility manager nor any other employee is a degreed Chemist, or, the statements that "no reportable quantity spills have occurred" and "Such a release incident has not occurred during the history of the existing facility" when Badger's own documents, including its Report of its August 17, 2005 fire, provide objective evidence of contaminated fire response water being released

- the last package of documents which EOG *finally received* on April 30, 2007 from the WDNR out of Badger's public file presenting a conundrum because **no** April, 2007 dated documents are in the file (this is simply difficult to believe that EOG received all of the public files).

These additional objections (along with those included in my April 10, 2007 letters to the EPA and the WDNR and the contents of section 1, above) also demonstrate that there are **numerous obvious inaccuracies & omissions (i.e., no report of the Waste Facility Siting Board in Badger's public file)** in the Badger public file documents. Therefore, it is virtually impossible for EOG or other members of the public to *comprehensively review* the integrity and substance of the Badger ***request to renew its existing federal permit and EXPAND its EXISTING facility to include a new Tank Farm and Buildings NOT YET built***.

However, even with Badger's numerous inaccurate statements & misleading documents, it is apparent that Badger is **currently in environmental non-compliance**

with the following provisions---I.E.6, I.E.10, I.E.12, I.E.14.b, I.E.14.b, I.J.3, II.A.4, III.A.1---of EPA's Draft Permit.

4. Regulatory citations. EOG provides the following citations to support its April 10, 2007 listings of Badger's noncompliant activities at the Facility and the Facility's past and present non-compliant and/or contaminated condition. These issues, with corroboratory photographs, were explained in more detail in my February 6, 2007 letters to the WDNR's Franklin C. Schultz and Mark Drews.

Noncompliance/ Contamination	**Regulation Violated**	**Method of Validation**
Improper fence location **(This item is particularly troubling since the WDNR inherently recognized the 50 ft. setback on the West side of the Badger facility but failed to enforce the exact same requirement on the East side of the Badger facility!)**	NR 664.0014(2)(b)(1), 40CFR 264.14(b)(2)(i & ii)	*photos of 08.01.06 IMG 2274, 09.22.06, 09.29:06-9:17:53am,10.03.06-2:04:47pm, 10.04.06-12:36:53pm, 10.04.06 CAR, 11.28.06 CAR, 11.29.06 CAR, WDNR 01.18.07 Schultz letter to EOG's Powals, Item 1.*
Uncontrolled fence security	NR 664.0014(2)(b)(2), 40 CFR 264.14(b)(2)(i & ii)	*WDNR 05.16.05 Schultz letter to Badger's Krier, Item 25b, 11.28.06 CAR, 11.29.06 CAR*
Hundreds of hazardous waste drums stored outdoors and outside containment on numerous occasions	NR 664.0175(1&2), NR 664.0170(Note), 40 CFR 264.176, 40 CFR 264.193(a), 49CFR Part 172, 49CFR 173.28, 40 CFR 401.12(a), 40CFR 125, 40 CFR 400	*photos of 08.01.06 IMG 2274, 2282, 2284, 2287, 08.02.06 IMG 2348, 2349, 2376, 08.03.06 IMG 2390, 08.04.06 CAR paras.4&8, 09.22.06, 10.04.06-12:36:32pm, 12.20.06*

Noncompliance/ Contamination	**Regulation Violated**	**Method of Validation**
Hundreds of hazardous waste drums stored outdoors improperly labeled (*if* "empty")	NR 664.0175(1&2), 40CFR 264.176, 49 CFR Part 172, 40 CFR 401.12(a), 40 CFR 125, 40 CFR 400	*photos of 08.01.06 IMG 2274, 2282, 2284, 2287, 08.02.06 IMG 2348, 2349, 2376, 08.03.06 IMG 2390, 08.04.06 CAR paras.4&8, 09.22.06, 10.04.06-12:36:32pm, 12.20.06*
Unauthorized soils excavation	NR 664.0091, NR 664.0098-0101, 40 CFR 264.193(a), existing Badger permit	*photos of 09.29.06-9:16:59am, 9:17:02am, 9:17:19am, 9:17:53am, 10.02.06-1:45:54pm, 1:45:58pm, 10.03.06-4:59:49pm, 5:00:05pm, 5:00:08pm, 10.04.06-12:37:03pm, 12:37:09pm, 12:37:24pm*
Contaminated soils excavation	NR 664.0091, NR 664.0098-0101, 40 CFR 264.193(a), 40 CFR 264.196, 40 CFR 264.197, existing Badger permit	*photos of 09.29.06-9:16:59am, 9:17:02am, 9:17:19am, 9:17:53am, 10.02.06-1:45:54pm, 1:45:58pm, 10.03.06-4:59:49pm, 5:00:05pm, 5:00:08pm, 10.04.06-12:37:03pm, 12:37:09pm, 12:37:24pm*

Noncompliance/ Contamination	**Regulation Violated**	**Method of Validation**
Inadequate contaminated soils excavation sampling and analysis	NR 664.0091, NR 664.0098-0101, 40CFR 264.196, 40CFR 264.197, existing Badger permit	*See letter to Franklin C. Schultz dated February 6, 2007; see also letter to Mark Drews dated February 6, 2007; and please see e-mails to John Melby dated February 6, 2007, February 7, 2007, April 24, 2007, and April 26, 2007*
August 17, 2005 fire, fire verifying release	NR 664.0101, 40CFR 264.177, 40CFR 264.193(a),	*Badger 08.24.05 Report of Fire on 08.17.05 paras.5&6*
Inadequate Badger Personnel Experience & Training	NR 664.0016, 40CFR 264.16(a)(2), 40CFR 264.16(b)	*Badger 08.24.05 Report of Fire on 08.17.05 paras. 1, 4&5, Note: Badger has no full-time or otherwise employees who are degreed Chemists or Chemical Engineers in contradiction to Badger's FPOR, pg. 7-15*
Inappropriate Mixing of Wastes	NR 664.0177(1), 40 CFR 264.177(a),	*WDNR 05.16.05 Letter to Badger's Krier, Item 19, Badger 08.24.05 Report of Fire on 08.17.05 paras. 1&4*

Noncompliance/ Contamination	**Regulation Violated**	**Method of Validation**
Temporary Authorization for Fuel Blending	NR 664.0176, 40CFR 264.176	*WDNR 06.14.06 Miller Letter to Badger's Krier, Badger's 07.10.06 Temporary Authorization Request, p.3, end of para.1*
Poor condition drums	NR 664.0170, 40CFR 264.171	*WDNR 12.07.06 CAR, Item 1*
pH=1.0 material in steel drum	NR 664.0171, 40CFR 264.172	*WDNR 12.07.06 CAR, Item 3*
Manifest discrepancies	NR 664.0072, 40CFR 264.72	*WDNR 12.07.06 CAR, Item 3*
Aisle space violations	NR 664.0035, 40CFR 264.35	*WDNR 05.16.06 Schultz Letter to Badger's Krier, Item 27, WDNR 12.07.06 CAR Additional Issues Item 3*
Failure to include all waste codes in Operating Record	NR 664.0073(2)(a), 40CFR 264.73	*Badger's Schmidt 07.25.06 email to WDNR's Miller, WDNR 12.07.06 CAR Item 3*
Failure to at all times keep ignitable drums more than 50 ft. from property line	NR 664.0176, 40CFR 264.176	*WDNR 12.07.06 CAR Additional Issues Item 2*
Failure to separate incompatible hazardous wastes inside the Badger facility	NR 664.0177, 40CFR 264.177	*photo of 06.12.03*
Failure to preclude hazardous waste constituents discharge to the sewer system	NR 664.0175, 40CFR 264.175(b)(4)	*photo of 05.16.07*

Noncompliance/ Contamination	**Regulation Violated**	**Method of Validation**
Continuing Badger EPA ECHO Non-compliances Report	see www.epa.gov/echo, Apr-Jun 05, Jul-Sep 05, Oct-Dec 05, Jan-Mar 06, Apr-Jun 06, Jul-Sep 06	
A 2005 fire occurred on uncontained abraded asphalt	NR 664.0175	*Badger 08.24.05 Report of Fire on 08.17.05*
Arguably contaminated soils were excavated in runoff area (from metals fire water and stormwater)	NR 664.0091, NR 664.0098-0101	*WDNR 11.29.06 Miller Letter to Badger's Krier*
Inappropriate and misleading soil sampling occurred in the runoff area	NR 664.0091, NR 664.0098-0101	*WDNR 11.14.06 CAR para.2, see letter to Franklin C. Schultz dated February 6, 2007; see also letter to Mark Drews dated February 6, 2007; and please see e-mails to John Melby dated February 6, 2007, February 7, 2007, April 24, 2007, and April 26, 2007*

5. Miscellaneous Comments. Additional EOG comments include, but are not limited to, the following:

- Badger's fire report makes it clear that the firefighting water ran off of Badger's asphalt onto its own and adjacent property.

- Badger cannot physically operate its fuel bending activities, because they cannot be undertaken only on its property and within the 50 ft setback.

- On March 8, 2007, Badger wrote to the WDNR about beginning construction. However, Badger does not have a permit to do so, and Badger does not have a fence on its property.

- Nearly all of the Badger violations are recorded (most all with photo evidence) in my February 6, 2007 letter to the WDNR.

Finally, it is my understanding that additional Facility-related files may have recently been located by the WDNR. Therefore, EOG reserves the right to submit additional comments after it obtains access to these additional WDNR files which may exist yet have not been provided during the applicable public comment period (and regardless of the current public comment due date).

Please contact Mr. Richard Powals at 248-770-0514 or myself at 262-951-4555 if you have any questions regarding EOG's comments or if you need any additional information. Thank you.

Yours very truly,

Donald P. Gallo

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